

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

FRANKLIN BUONO,

Plaintiff,

-against-

Case No.  
1:17-cv-05915

POSEIDON AIR SYSTEMS, VICTORY AUTO  
STORES, INC., VICTORY AUTO STORES, INC.,  
d/b/a POSEIDON AIR SYSTEMS, WORTHINGTON  
INDUSTRIES, INC., ANSUL INC. and TYCO  
FIRE PROTECTION PRODUCTS,

Defendants.

- - - - -x

1279 Route 300  
Newburgh, New York

April 30, 2018  
10:24 a.m.

DEPOSITION of FRANKLIN BUONO, the  
PLAINTIFF in the above-entitled action,  
held at the above time and place, taken  
before Karen Morales, a Shorthand  
Reporter and Notary Public of the State  
of New York, pursuant to the Federal  
Rules of Civil Procedure.

\* \* \*

APPEARANCES:

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BY: GEORGE M. LEVY, ESQ.

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BY: SHELLEY A. MOLINEAUX, ESQ.

SHOOK HARDY & BACON, LLP  
Attorneys for Defendants  
Ansul Inc. and  
Tyco Fire Protection Products  
2555 Grand Boulevard  
Kansas City, Missouri 64108

BY: SANDRA R. STIGALL, ESQ.

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED,  
by and among counsel for the respective  
parties hereto, that the filing, sealing  
and certification of the within  
deposition shall be and the same are  
hereby waived;

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to form of  
the question, shall be reserved to the  
time of the trial;

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be signed  
before any Notary Public with the same  
force and effect as if signed and sworn  
to before the Court.

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THE VIDEOGRAPHER: Good morning. We are going on the record at 10:25 a.m. on April 30, 2018. Please note that the microphones are sensitive and may pick up whispering, private conversations and cellular interference. Please turn off all cell phones or place them away from the microphones as they can interfere with the deposition audio.

Audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit 1 of the video-recorded deposition of Franklin Buono taken by counsel for the defendants in the matter of Franklin Buono versus Poseidon Air Systems, et al, filed in the United States District Court for the Southern District of New York, Case Number 1:17-cv-05915. This deposition is being held at Finkelstein and Partners, LLP, located at 1279 Route 300, Newburgh, New York.

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My name is David Rothstein and I am the videographer from the firm Veritext Midwest. The court reporter is Karen Morales from the firm of Veritext Midwest.

I am not related to any party in this action nor am I financially interested in the outcome. Counsel and all present in the room will now state their appearances and affiliations for the record. If there are any objections to the proceeding, please state them at the time of your appearance beginning with the noticing attorney, the first noticing attorney.

MS. STIGALL: Sandra Stigall appearing for Tyco Fire Products named in the present suit as Ansul Incorporated and Tyco Fire Protection Products.

MS. MOLINAEUX: Shelley Molineaux for Worthington.

THE VIDEOGRAPHER: Would the court reporter please swear in the witness.

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MR. LEVY: How about -- George  
M. Levy, Finkelstein and Partners on  
behalf of Frank Buono.

THE VIDEOGRAPHER: Will the  
court reporter please swear in the  
witness.

\* \* \*

F R A N K L I N B U O N O,  
the Witness herein, having first been  
duly sworn by the Notary Public, was  
examined and testified as follows:

EXAMINATION BY

MS. STIGALL:

Q. Could you state your name,  
please.

A. My name is Frank Buono.

Q. Buono?

A. Buono.

Q. Buono.

Could you spell your complete  
name, first, middle and last?

A. F-R-A-N-K-L-I-N, John, J-O-H-N,  
B-U-O-N-O.

Q. What name do you normally go

1 FRANKLIN BUONO

2 by, Frank or Franklin?

3 A. Frank.

4 Q. Mr. Buono, have you ever had  
5 your deposition taken before?

6 A. No.

7 Q. Have you ever testified in a  
8 court of law?

9 A. No.

10 Q. You understand what it means to  
11 commit perjury?

12 A. Correct.

13 Q. You understand that your  
14 testimony here today is given under oath  
15 and under penalty of perjury?

16 A. Correct.

17 Q. I mentioned at the beginning  
18 that my name is Sandy Stigall and  
19 represent Tyco Fire Products.

20 Can I ask you here at the  
21 beginning of the deposition that if you  
22 don't understand a question that I ask,  
23 could you, please, tell me so I can  
24 rephrase my question?

25 A. Okay.



1 FRANKLIN BUONO

2 Q. Also, we have the court  
3 reporter here today and, of course, we  
4 have the videographer, as far as the  
5 court reporter goes, she always needs a  
6 verbal answer to a question, for example,  
7 so that we can get a written record here,  
8 you wouldn't shake your head or nod your  
9 head, we need a yes or no, do you  
10 understand?

11 A. Yes.

12 Q. It's also important, and this  
13 is something I try and remember myself,  
14 for you and I not to speak over each  
15 other. In a lot of conversation I may be  
16 asking you a question and you already  
17 know what the end of the question is  
18 going to be so you might go ahead and  
19 start your answer; is that right?

20 A. Yes.

21 Q. So if we could, if you wait to  
22 the end of my question before you answer,  
23 could you do that?

24 A. Yes.

25 Q. And I'll likewise try and not

1 FRANKLIN BUONO

2 jump in because my husband tells me I  
3 have a tendency to do that.

4 A. Okay.

5 Q. Also, we'll be here for just a  
6 while today, but if at any time you need  
7 a break, please feel free to ask for one.

8 A. Okay.

9 Q. The only time we really can't  
10 take a break, if I have a pending  
11 question, I would just ask that you  
12 answer the question then we'll go ahead  
13 and take the break.

14 A. Okay.

15 Q. And don't hesitate on that at  
16 all.

17 As a starting point, are you on  
18 any medication, drug, alcohol or anything  
19 at all that would affect your memory or  
20 your ability to answer here today?

21 A. I'm on an antidepressant. But  
22 I don't think that would affect my  
23 ability. But just to have that noted  
24 down.

25 Q. What is the antidepressant that

1 FRANKLIN BUONO

2 you're on?

3 A. I believe it's Cymbalta.

4 Q. Do you know what the dosage is?

5 A. I believe ten milligrams.

6 Q. When did you take the Cymbalta?

7 A. Last night.

8 Q. Are you on any other  
9 medication?

10 A. Yes. Stomach medication for my  
11 IBS. It's an antiacidic. I cannot  
12 remember the name of it.

13 Q. Am I correct from looking at  
14 your medical records that you were on  
15 medication for your stomach prior to this  
16 incident?

17 A. Correct.

18 Q. And has that situation just  
19 continued?

20 A. Yes.

21 Q. Have you taken any other  
22 medications in the last 24 hours?

23 A. No.

24 Q. Have you smoked pot in the last  
25 24 hours?

1 FRANKLIN BUONO

2 A. No.

3 Q. Have you taken any other type  
4 of drug in the last 24 hours?

5 A. No.

6 Q. Do you understand that you're  
7 here today to give sworn testimony in the  
8 civil case that you filed regarding an  
9 incident related to a ruptured pressure  
10 cylinder?

11 A. Yes.

12 Q. Let's talk a little bit about  
13 your preparation for the deposition, what  
14 did you do to prepare for today's  
15 deposition?

16 A. I reviewed my statement to  
17 OSHA.

18 MS. STIGALL: I'm going to have  
19 this marked as -- how are we doing this?  
20 Are we starting at 1 for each deposition?

21 MS. MOLINEAUX: I'd thought  
22 we'd continue.

23 MS. STIGALL: Can we go off the  
24 record.

25 MR. LEVY: Yeah, let's go off

1 FRANKLIN BUONO

2 the record.

3 THE VIDEOGRAPHER: The time is  
4 10:34 and we are going off the record.

5 [Discussion held off the  
6 record.]

7 THE VIDEOGRAPHER: The time is  
8 10:38, we are back on the record.

9 (The document was hereby marked  
10 as Defendant's Exhibit 1 for  
11 identification, as of this date.)

12 Q. Mr. Buono, I'm handing you  
13 what's been marked Defendant's Exhibit 1,  
14 can you please tell me, is that the  
15 statement that you said you reviewed  
16 prior to your deposition here today?

17 A. Yes.

18 Q. Thank you.

19 What else did you review?

20 A. That was it.

21 Q. So you didn't look at any other  
22 pieces of paper?

23 A. Oh, no.

24 Q. Did you meet with anyone in  
25 preparation for your deposition?

1 FRANKLIN BUONO

2 A. My lawyer.

3 Q. Did you speak with anyone else  
4 about the fact that you were having your  
5 deposition here today?

6 A. My girlfriend and her mom.

7 Q. What's your girlfriend's name?

8 A. Emily.

9 Q. Could you provide her middle  
10 and last name?

11 A. Emily Lynn Fonseca.

12 Q. And a spelling, please.

13 A. F-O-N-S-C-E-C-A.

14 Q. F-O-N-S-C-E-C-A, F-O-N-S --

15 A. E-C-A. I'm sorry.

16 Q. E-C-A.

17 What did you speak with your  
18 girlfriend, Emily, about?

19 A. How we were going to be having  
20 this today, I didn't know what to expect.

21 Q. Did you speak with her about  
22 any of the specifics about what your  
23 testimony would be?

24 A. No.

25 Q. And, I believe, you said you

1 FRANKLIN BUONO

2 also spoke with your mother?

3 A. Her mother.

4 Q. Her mother?

5 A. The same conversation.

6 Q. Can you provide me with her  
7 mother's name?

8 A. Alicia Tollen, T-O-L-L-E-N.

9 Q. Do Emily and Alicia live at the  
10 same place?

11 A. Yes.

12 Q. What's that address?

13 A. 131 Hill Road, Goshen, New York  
14 10924.

15 Q. Do you live there also?

16 A. Yes.

17 Q. How long have you lived at that  
18 location?

19 A. Three years now.

20 Q. Did you live at that location  
21 prior to the incident that this lawsuit's  
22 about?

23 A. Yes.

24 Q. Do you remember how long prior  
25 to the incident you lived there?

1 FRANKLIN BUONO

2 A. Between six months and a year.

3 Q. In the course your treatment  
4 and in relation to the incident, have you  
5 ever generated any documents, like, that  
6 include notes on your thoughts on what  
7 happened?

8 A. No.

9 Q. Do you have any notes related  
10 to the incident?

11 A. We have pictures.

12 Q. Who took the pictures you're  
13 talking about?

14 A. I believe my girlfriend, Emily.

15 Q. What are the pictures of?

16 A. Different -- I guess, different  
17 weeks of my leg, different surgeries I've  
18 had, the daily cleanings, when it first  
19 happened, pictures of blisters from  
20 wearing my prosthetic.

21 Q. Have you provided all of those  
22 photographs to your attorney?

23 A. I'm not sure.

24 MS. STIGALL: I guess we would  
25 make the request that all those



1 FRANKLIN BUONO  
2 photographs be provided to our office. I  
3 think we got some but I just don't know  
4 if we have everything.

5 MR. LEVY: My understanding is,  
6 you have everything. However, put  
7 another request in writing, we'll take it  
8 under advisement.

9 MS. STIGALL: Thank you.

10 Q. Other than your attorney, do  
11 you know anyone who made any notes about  
12 this case?

13 A. I don't.

14 Q. For example, has your  
15 girlfriend kept any kind of log or notes?

16 A. No.

17 Q. When you spoke about having  
18 photographs, you talked of photographs of  
19 your injuries, do you have any  
20 photographs in your possession that you  
21 or your girlfriend, anybody you know took  
22 of the accident scene?

23 A. No.

24 Q. Or any photographs of the  
25 cylinder at issue?

1 FRANKLIN BUONO

2 A. That my girlfriend took?

3 Q. That anyone other than OSHA  
4 took.

5 A. No.

6 Q. Have you ever been involved in  
7 any other lawsuits?

8 A. No.

9 Q. It's my understanding that you  
10 have a workers' compensation case  
11 regarding this incident; is that correct?

12 A. Correct.

13 Q. Are you currently receiving  
14 workers' compensation benefits?

15 A. Yes.

16 Q. Has your case resolved in any  
17 type of final settlement?

18 A. No.

19 Q. Who is your attorney for the  
20 workers' comp claim?

21 A. I do not remember her name. I  
22 do not remember her name. I'm sorry.

23 Q. Is she with Finkelstein?

24 A. Yes. It's the other branch.

25 Fine, Olin and Anderman.

1 FRANKLIN BUONO

2 (Reporter asks for  
3 clarification.)

4 MR. LEVY: Fine, Olin and  
5 Anderman.

6 THE WITNESS: Sorry.

7 MR. LEVY: It's not  
8 Finkelstein.

9 THE WITNESS: Sorry.

10 Q. Have you ever been involved in  
11 any kind of legal proceedings?

12 A. No.

13 Q. Could you give me your date of  
14 birth?

15 A. July 14, 1992.

16 Q. Where were you born?

17 A. Goshen.

18 Q. What's your social security  
19 number?

20 A. 110-80-8151.

21 Q. Do you have a driver's license?

22 A. Yes.

23 Q. Do you have it on you?

24 A. Yes.

25 Q. Could you provide me with your

1 FRANKLIN BUONO  
2 driver's license number? Is it New York  
3 State?

4 A. Yes.

5 Q. 403 258 207.

6 MS. STIGALL: Mark these as  
7 Exhibit 2.

8 MR. LEVY: Do you have a copy  
9 for me by any chance?

10 MS. STIGALL: You know what, I  
11 don't.

12 MR. LEVY: Let's go off the  
13 record.

14 THE VIDEOGRAPHER: The time is  
15 10:47 and we are going off the record.

16 [Discussion held off the  
17 record.]

18 (The documents were hereby  
19 marked as Defendant's Exhibits 2 and 3  
20 for identification, as of this date.)

21 (The photographs were hereby  
22 marked as Defendant's Exhibits 4 through  
23 9 for identification, as of this date.)

24 THE VIDEOGRAPHER: The time  
25 11:00 a.m. and we are back on the record.

1 FRANKLIN BUONO

2 Q. Mr. Buono, I'll hand you what's  
3 been marked Defendant's Exhibit 2, and  
4 they are Plaintiff's Rule 26(a)(1)  
5 Disclosures, have you seen that document  
6 before?

7 A. No.

8 Q. You can hand that back to me.  
9 I'm just going to go over a few  
10 of the responses then. The first  
11 disclosure says: The following witness  
12 may be used to support the claims of the  
13 plaintiff herein.

14 Numbers 1 through 25 I'll  
15 represent to you are various doctors.

16 A. Okay.

17 Q. Then Numbers 26 through 31 are  
18 various officers and fire department  
19 individuals. What I'd like to ask you  
20 about is after that there are a few  
21 additional persons listed as witnesses  
22 who may be used to support your claims.

23 A. Okay.

24 Q. One of those witness I believe  
25 you mentioned earlier is Emily Fonseca?

1 FRANKLIN BUONO

2 A. Yes.

3 Q. What does she know about your  
4 claims in this case?

5 MR. LEVY: Just note my  
6 objection to what's in someone else's  
7 mind.

8 A. Can you -- sorry.

9 Q. What would you expect that she  
10 would know about your claims in the  
11 present action?

12 A. I don't think anything.

13 Q. Does she know anything about  
14 the incident that happened?

15 A. Yeah.

16 Q. As far as anything she knows  
17 about the incident that happened, would  
18 that be from talking to you?

19 A. Yes. And the OSHA report.

20 Q. So she's seen the OSHA report?

21 A. Yes.

22 Q. Did she ever talk to  
23 Christopher Foust?

24 A. No.

25 Q. Did she ever talk to any of the

1 FRANKLIN BUONO

2 officers or anyone else that was at the  
3 scene?

4 A. I don't know.

5 Q. Do you know if she's ever had  
6 any discussions with anyone at Oprandy's?

7 A. I don't know.

8 Q. The next person listed is Ryan  
9 Siebold, who is Ryan Siebold?

10 A. He's a friend of mine.

11 Q. What would he know about the  
12 present action?

13 A. Nothing. He knows from what I  
14 told him about the accident.

15 Q. Does he have information about  
16 your injuries?

17 A. Yes. He knew what happened to  
18 my legs.

19 Q. Has Ryan Siebold ever spoken  
20 with anyone other than you about what  
21 happened that day?

22 A. I don't believe so. Anyone as  
23 in?

24 Q. Christopher Foust, anybody at  
25 Oprandy's?

1 FRANKLIN BUONO

2 A. No.

3 Q. Where does Ryan Siebold work?

4 A. The hospital, Orange Regional.

5 Q. What does he do there?

6 A. Nursing assistant.

7 Q. Did you know him before you  
8 went to the hospital?

9 A. Yes.

10 Q. So he's a social friend of  
11 yours?

12 A. Yes.

13 Q. How long have you knows Ryan  
14 Siebold?

15 A. About ten years.

16 Q. Did you meet him in school?

17 A. Yes.

18 Q. How about Emily Fonseca, how  
19 long have you known Emily?

20 A. Fifteen years.

21 Q. How long has she been your  
22 girlfriend?

23 A. Three.

24 Q. You also list Richard Buono as  
25 having knowledge of your physical



1 FRANKLIN BUONO

2 condition, Richard Buono, has he spoken  
3 to anyone other than you regarding what  
4 happened that day?

5 A. I don't know.

6 Q. Christopher Foust is listed  
7 next as Number 35, how long have you know  
8 Christopher Foust?

9 A. Since I started working at  
10 Oprandy's. So about a month.

11 Q. Is it your testimony here today  
12 that you did not know Christopher Foust  
13 prior to the time that you started  
14 working at Oprandy's?

15 A. Correct.

16 Q. Did you speak with Christopher  
17 Foust after the incident?

18 A. Yes. Just to see how he was  
19 doing.

20 Q. Did you ever speak with  
21 Christopher Foust about what caused the  
22 incident?

23 A. I don't know.

24 Q. You don't know if you spoke  
25 with him?

1 FRANKLIN BUONO

2 A. About the incident, no. I only  
3 -- I contacted him the first couple days  
4 of the incident and I was pretty drugged  
5 at that time.

6 Q. In your discussions with  
7 Christopher Foust, did he ever tell you  
8 what he thought caused the incident?

9 A. I don't know.

10 Q. You don't know if he told you  
11 that?

12 A. No.

13 Q. But is it my understanding that  
14 you cannot tell me anything in terms of  
15 what Christopher Foust thought about what  
16 caused the incident?

17 A. I don't know. It was at least  
18 two years ago and I was heavily drugged.  
19 Three.

20 Q. I understand you're saying you  
21 were heavily drugged but I'm just trying  
22 to clarify that at some point you're not  
23 going to come in and say Christopher  
24 Foust said this is what happened; you  
25 can't do that, right?

1 FRANKLIN BUONO

2 A. No.

3 Q. You've also listed unidentified  
4 employees of defendants and you've also  
5 listed representatives of the plaintiff's  
6 employer Oprandy's, other than what I  
7 just mentioned, there were your doctors,  
8 there were the officers, the fire  
9 department, Emily, Ryan, Richard Buono,  
10 Christopher Foust, unidentified employees  
11 of the defendants and employees of  
12 Oprandy's, can you think of anyone else  
13 that would be used to support your claims  
14 in this case?

15 A. No.

16 Q. Can you think of anyone else  
17 other than those individuals that you  
18 listed that has knowledge concerning what  
19 happened that day?

20 A. No.

21 Q. When you list the  
22 representatives of the plaintiff's  
23 employer Oprandy's, can you tell me who  
24 worked for Oprandy's at the time of the  
25 incident other than you?

1 FRANKLIN BUONO

2 A. Do you have a list of names?

3 Q. I don't.

4 A. I don't remember the names.

5 Brian, the owner, his son, two other  
6 gentlemen, I do not remember their names,  
7 Chris and I. And a woman that worked at  
8 the front desk, I don't remember her  
9 name.

10 Q. Would that be Patty?

11 A. Brian's wife, yes. But there's  
12 another woman, younger.

13 Q. Maybe Arlene?

14 A. I think so.

15 Q. I understand it's difficult to  
16 remember names, but your recollection is  
17 Brian Scott?

18 A. Uh-huh.

19 Q. And he had a son?

20 A. It was his stepson.

21 Q. Stepson.

22 And two other gentlemen?

23 A. Yes.

24 Q. What did Brian Scott do at  
25 Oprandy's?

1 FRANKLIN BUONO

2 A. He delivered the fire  
3 extinguishers. He basically did  
4 everything besides fill the fire  
5 extinguishers.

6 Q. What did the other two  
7 gentlemen that you mentioned do?

8 A. Delivered the fire  
9 extinguishers.

10 Q. Did those other two gentlemen  
11 mainly work out in the field?

12 A. Yes.

13 Q. And you mentioned Chris and  
14 yourself?

15 A. Yeah.

16 Q. Were you and Chris the only  
17 individuals at Oprandy's at the time of  
18 your incident that worked solely in the  
19 shop?

20 A. Yes.

21 Q. And you mentioned there was a  
22 woman that worked at the front desk?

23 A. Correct.

24 Q. Do you think her name might be  
25 Arlene?

1 FRANKLIN BUONO

2 A. Yes.

3 Q. Do you know her last name?

4 A. I do not.

5 Q. What did she do?

6 A. She received phone calls.

7 Q. How did you come to start  
8 working at Oprandy's?

9 A. My uncle knew Brian and knew  
10 that Brian was looking for help.

11 Q. What's your uncle's name?

12 A. Allen Faust.

13 Q. Where does he work?

14 A. He's a sergeant at Goshen Town  
15 Police Department.

16 MR. LEVY: I'm sorry. What was  
17 his first name?

18 THE WITNESS: Allen.

19 MS. MOLINEAUX: And his last  
20 name?

21 THE WITNESS: Faust.

22 MS. MOLINEAUX: How do you  
23 spell that?

24 THE WITNESS: F-A-U-S-T, or  
25 it's F-O-U-S-T. I can't remember which

1 FRANKLIN BUONO

2 one it is. It's F-A or F-O.

3 Q. Does he also live in Goshen?

4 A. No. He actually recently just  
5 moved and I don't remember where it is.  
6 But it's close.

7 Q. Do you remember what town?

8 A. No.

9 Q. I notice -- is your mother  
10 living?

11 A. Yes.

12 Q. And notice your mother's name  
13 is not listed on the list, does she have  
14 any information about your injuries or  
15 claims?

16 A. She has information about the  
17 injuries. You could add her.

18 Q. What's you mother's name?

19 A. Alana Buono.

20 Q. Where does she live?

21 A. Goshen.

22 Q. Anyone else we would add?

23 A. No.

24 Q. Any brothers or sisters?

25 A. Yes. One sister.

1 FRANKLIN BUONO

2 Q. What's her name?

3 A. Jacquelyn Buono,  
4 J-A-C-Q-U-E-L-Y-N.

5 Q. How I spell my daughter's name.

6 Where does he live?

7 A. I believe Hoboken.

8 Q. Do you have contact with her?

9 A. No.

10 Q. So if you have no contact with  
11 her, would I be correct in saying that  
12 she really wouldn't have information  
13 about your injuries?

14 A. No.

15 Q. Who would you say is the person  
16 closest to you?

17 A. Emily.

18 Q. After the incident did you have  
19 any contact with Brian Scott?

20 A. No.

21 Q. After the incident did you have  
22 any contact with Patty Scott?

23 A. No.

24 Q. After the incident did you have  
25 any contact with anyone at Oprandy's?



1 FRANKLIN BUONO

2 A. No.

3 Q. I guess, other than, you said  
4 you spoke with Christopher a few times?

5 A. Correct.

6 Q. During the time -- after you  
7 met Christopher Foust, did you at any  
8 time --

9 THE VIDEOGRAPHER: I'm sorry,  
10 Counsel. Can you repeat your question?

11 Q. After you met Christopher  
12 Foust, did you at any time socialize with  
13 him?

14 A. What do you mean by socialize?

15 Q. Spend time with him outside of  
16 work?

17 A. No.

18 Q. It's my understanding that  
19 Chris is deceased; is that correct?

20 A. Correct.

21 Q. Do you know when he died?

22 A. I'm not exactly sure, no.

23 Q. Do you know what caused his  
24 death?

25 A. No.

1 FRANKLIN BUONO

2 Q. To your knowledge did Chris use  
3 illegal drugs?

4 A. I do not know.

5 Q. Prior to the incident did you  
6 use illegal drugs?

7 A. Prior to the incident --

8 MR. LEVY: Just note my  
9 objection. Is there a time frame?

10 Q. Within the six months prior to  
11 the incident, did you use illegal drugs?

12 A. I smoked marijuana.

13 Q. How often did you smoke  
14 marijuana?

15 A. Not that often. Once every  
16 couple of weeks.

17 Q. So it's your testimony sitting  
18 here today that prior to the incident  
19 your use of marijuana was limited to once  
20 every couple of weeks?

21 A. Once a week.

22 Q. So it's your testimony here  
23 today that prior to the incident you  
24 would use marijuana once a week?

25 A. Yes.

1 FRANKLIN BUONO

2 Q. Did you ever use marijuana with  
3 Chris Foust?

4 A. No.

5 Q. Did you ever obtain marijuana  
6 from Chris Foust?

7 A. No.

8 Q. Did Chris Foust ever obtain  
9 marijuana from you?

10 A. No.

11 Q. Prior to the incident, did you  
12 use any other illegal drugs, and let's  
13 say, within six months of the incident  
14 other than marijuana?

15 MR. LEVY: Note my objection.

16 A. No.

17 Q. Were you in an argument with  
18 Chris Foust on the day that the tank  
19 ruptured?

20 A. No.

21 Q. Were you in an argument with  
22 Christopher Foust at any time prior to  
23 the incident?

24 A. No.

25 Q. If another Oprandy's employee

1 FRANKLIN BUONO  
2 said that you and Christopher Foust were  
3 in an argument on the morning of the  
4 incident, would that be true?

5 A. No.

6 Q. So if an employee said you and  
7 Chris were arguing on the morning of the  
8 incident, can you tell me any reason why  
9 they would say that?

10 MR. LEVY: Objection.

11 A. No.

12 Q. Were you and Chris Foust  
13 arguing about drugs prior to the  
14 incident?

15 A. No.

16 Q. So if someone says that, it  
17 would be your testimony that they're  
18 lying?

19 A. Correct.

20 Q. Let's talk about your  
21 educational background.

22 A. Sure.

23 Q. What's the highest level of  
24 education you completed?

25 A. Some college. Completed?

1 FRANKLIN BUONO

2 Q. How many years of college did  
3 you complete?

4 A. One semester.

5 Q. Did you graduate from high  
6 school?

7 A. Yes. I got my GED.

8 Q. What high school did you go to?

9 A. Goshen High School.

10 Q. What level of high school did  
11 you complete at Goshen, did you --  
12 freshman, sophomore, junior?

13 A. Senior.

14 Q. Did you graduate from Goshen  
15 High School?

16 A. I got my GED.

17 Q. Where did you take some college  
18 or a semester of college?

19 A. OCC, Orange County Community  
20 College.

21 Q. What were you studying?

22 A. Criminal justice.

23 Q. And what was the reason why you  
24 didn't continue?

25 A. My father had a gun shop and it

1 FRANKLIN BUONO  
2 was going out of business and we were  
3 dealing with a lot about that so I  
4 dropped out.

5 Q. Have you had any kind of  
6 vocational training?

7 A. I went to a computer tech  
8 class.

9 Q. Is that recent?

10 A. Probably four years ago.

11 Q. That was prior to the incident?

12 A. Correct.

13 Q. Did you complete a computer  
14 tech class?

15 A. No.

16 Q. Why didn't you complete it?

17 A. I do not remember.

18 Q. Where was that?

19 A. I can't remember the name of  
20 the building. It's right behind my house  
21 too.

22 Q. It's a vocational school?

23 A. Yes. BOCES I believe.

24 Q. B-O?

25 A. C-E-S.

1 FRANKLIN BUONO

2 Q. Did you drop out?

3 A. I believe so.

4 Q. Do you have any type of  
5 vocational certifications?

6 A. No.

7 Q. Have you ever belonged to a  
8 union?

9 A. No.

10 Q. Have you ever been married?

11 A. No.

12 Q. Any children?

13 A. Nope.

14 Q. Have you ever served in the  
15 armed forces?

16 A. No.

17 Q. Do you have any felony  
18 convictions?

19 A. No.

20 Q. Have you ever pled guilty to  
21 any type of criminal charge?

22 A. No.

23 Q. Have you ever been charged with  
24 any type of crime?

25 A. No.

1 FRANKLIN BUONO

2 Q. And then I would assume, then,  
3 you've never served any kind of jail  
4 time?

5 A. No.

6 Q. How about speeding tickets?

7 A. Yes.

8 Q. Tell me about your speeding  
9 ticket.

10 A. I think I have two.

11 Q. How recent?

12 A. Years, at least three.

13 Q. Do you drive today? I mean,  
14 can you drive?

15 A. Yes.

16 Q. I think I saw something in the  
17 medical records that they've fitted it so  
18 you can drive?

19 A. Yes.

20 Q. Tell me about your free time,  
21 who do you generally spend your free time  
22 with?

23 A. Emily.

24 Q. Anyone else?

25 A. No.



1 FRANKLIN BUONO

2 Q. What do you do during your free  
3 time?

4 A. I watch TV or I'm on my  
5 computer.

6 Q. Playing computer games?

7 A. Yeah.

8 Q. Me too.

9 A. Yeah?

10 Q. Anything else?

11 A. Take care of my dogs.

12 Q. How many dogs do you have?

13 A. Two Chihuahuas.

14 Q. And they live with you and  
15 Emily?

16 A. Yep.

17 Q. Let's go over your employment  
18 history a little bit and I think there  
19 was information provided in Defendant's  
20 Exhibit 3, I'll let you just look at that  
21 real quickly.

22 A. Sure.

23 Q. You know what, I can point you  
24 to the particular one so you don't have  
25 to -- the question was: For the last ten

1 FRANKLIN BUONO

2 years describe your employment.

3 And it says: The plaintiff has  
4 been employed by Rick's Gun Exchange, was  
5 that your dad's company?

6 A. Yes.

7 Q. Was that your first place of  
8 employment?

9 A. Yes.

10 Q. What did you do at Rick's Gun  
11 Exchange?

12 A. Cleaned and fixed guns.

13 Q. How many years or months did  
14 you work there?

15 A. About two years once a week.

16 Q. What would be -- like what ages  
17 were you when you did that?

18 A. About 15 I believe, 15 to 17,  
19 18. Three years?

20 Q. And then I see Dunkin' Donuts,  
21 what did you do at Dunkin' Donuts?

22 A. I was a cashier.

23 Q. When was that?

24 A. I believe I was 19 or 20.

25 Q. How long did you work at

1 FRANKLIN BUONO

2 Dunkin' Donuts?

3 A. A few months.

4 Q. And it says that location is  
5 closed?

6 A. Correct.

7 Q. But you just worked there a  
8 couple of months?

9 A. Correct.

10 Q. What was your next place of  
11 employment?

12 A. I don't remember.

13 Q. And I'll just tell you, this  
14 lists F&F Industrial Equipment  
15 Corporation.

16 A. That's way later.

17 Q. Let me let you read this  
18 answer --

19 A. Okay.

20 Q. -- because you don't want to be  
21 -- that's the question and the answer.

22 A. Okay. Kiryas Joel was next. I  
23 drove ambulances.

24 Q. So from -- after Dunkin' Donuts  
25 you worked at Kiryas --

1 FRANKLIN BUONO

2 A. Kiryas Joel.

3 Q. Driving an ambulance?

4 A. Correct.

5 Q. How long did you do that?

6 A. A few months.

7 Q. Then what was your next  
8 employment after Kiryas Joel?

9 A. F&F.

10 MS. STIGALL: Just for the  
11 record, Kiryas Joel is K-I-R-Y-A-S,  
12 J-O-E-L, ambulance.

13 Q. How long did you say you worked  
14 at F&F?

15 A. A few months.

16 Q. Where did you work after F&F?

17 A. Oprandy's.

18 Q. So let's go back. It sounds  
19 like you -- what did you do for Kiryas  
20 Joel?

21 A. I drove an ambulance.

22 Q. So were you actually an EMT?

23 A. No. I was -- no.

24 Q. What would you do, explain to  
25 me -- you would actually, if there was an

1 FRANKLIN BUONO

2 emergency, be the person driving the  
3 ambulance out to the scene?

4 A. No. We were actually picked  
5 up, brought to the scene and then from  
6 the scene drove the patient to wherever  
7 they needed to go.

8 Q. I guess I'm a little confused.

9 A. So Kiryas Joel is a Hasidic  
10 community and they're not allowed to  
11 drive on Shabbos. If that makes sense.

12 Q. Yes.

13 So at Dunkin' Donuts you worked  
14 for a couple months?

15 A. Correct.

16 Q. Why did you leave Dunkin'  
17 Donuts?

18 A. It was a firing, a lot of  
19 people were being fired and they brought  
20 a bunch of new people and changed  
21 locations I believe.

22 Q. Do you know why you were fired?

23 A. No.

24 Q. Had you broken any rules?

25 A. I don't believe so, no.

1 FRANKLIN BUONO

2 Q. Then F&F Industrial Equipment,  
3 you said you were there for a few months?

4 A. Correct.

5 Q. What did you do there?

6 A. I worked in warehouse.

7 Q. What did you do in the  
8 warehouse?

9 A. Logged items, brought in  
10 shipments.

11 Q. Why did you leave F&F  
12 Industrial Equipment?

13 A. I just felt like I wasn't  
14 learning anything there.

15 Q. So you quit?

16 A. Yes, correct.

17 Q. You weren't fired?

18 A. Correct.

19 Q. Why did you leave Kiryas Joel  
20 Ambulance after a few months?

21 A. We were sleeping in our cars  
22 overnight because it was a 48-hour shift  
23 and I did not like that, so...

24 Q. So you quit?

25 A. Correct.

1 FRANKLIN BUONO

2 Q. You were not fired?

3 A. Correct.

4 Q. Can you give me any idea,  
5 you've given me the progression of where  
6 you worked, from the time that you left  
7 Dunkin' Donuts, how long was it before  
8 you started at F&F?

9 A. Between Dunkin' Donuts and F&F?

10 Q. Yes.

11 A. I'm not sure.

12 Q. Well, here's where I'm trying  
13 to figure this out, we have the listing  
14 of Rick's Gun Exchange, Dunkin' Donuts,  
15 F&F Industrial Equipment, Kiryas Joel and  
16 Oprandy's.

17 A. Uh-huh.

18 Q. It says over the last ten  
19 years. But I see that Oprandy's was  
20 about a month, Kiryas Joel was you said a  
21 couple of months, F&F was a couple of  
22 months, Dunkin' Donuts was a couple of  
23 months, would I be correct in assuming  
24 there were lapses in where you weren't  
25 employed?

1 FRANKLIN BUONO

2 A. Correct.

3 Q. So how much time was there  
4 between the time you left Dunkin' Donuts  
5 and went to F&F?

6 A. I'm not sure.

7 Q. Would it be less than a year?

8 A. I don't know. It could be more  
9 than a year.

10 Q. Then how much time between the  
11 time you left F&F and you went to Kiryas  
12 Joel?

13 A. Kiryas Joel -- it was Dunkin'  
14 Donuts, Kiryas Joel.

15 Q. Sorry. Okay.  
16 How much time was there between  
17 when you left Dunkin' Donuts and went to  
18 Kiryas Joel?

19 A. That's what I was answering  
20 before, about a year.

21 Q. And then how much time between  
22 Kiryas Joel and F&F?

23 A. A couple -- I believe a year or  
24 two.

25 Q. And then after you left F&F,



1 FRANKLIN BUONO

2 how much time was there before you were  
3 employed at Oprandy's?

4 A. A couple months.

5 Q. At any of your employment,  
6 other than Oprandy's, did you ever work  
7 with or around compressed gas?

8 A. No.

9 Q. Prior to coming to Oprandy's  
10 had you had any type of training  
11 concerning compressed gas?

12 A. No.

13 Q. In response to Request For  
14 Produce Number 10 regarding medical  
15 providers prior to the incident, it  
16 states, the plaintiff's only medical  
17 provider prior to the incident was  
18 Horizon Medical Group in Goshen; is that  
19 correct?

20 A. I believe so.

21 Q. And would it be true that your  
22 prescriptions for the last ten years were  
23 filled at CVS on Clowes Avenue in Goshen?

24 A. Baxter's in Goshen.

25 Q. Tell me that again?

1 FRANKLIN BUONO

2 A. Baxter's.

3 Q. B-A-X-T-E-R-S?

4 A. Correct.

5 Q. And that's where you would fill  
6 prescriptions prior to the incident?

7 A. Correct.

8 Q. Can you think of any medical  
9 providers you had prior to this incident  
10 other than Horizon Medical Group in  
11 Goshen?

12 A. Like doctors?

13 Q. Yes.

14 A. Or -- I have -- I can't  
15 remember their names, it was when I was  
16 younger mostly.

17 Q. Did you have a primary care  
18 physician prior to this incident?

19 A. No. Yes. Dr. Hirsh at Horizon  
20 Medical.

21 Q. Prior to this incident, did you  
22 ever see any product manuals related to  
23 the Poseidon air compressor?

24 A. No.

25 Q. Prior to the incident did you

1 FRANKLIN BUONO

2 ever see any manuals related to the  
3 cascade tanks that were connected to the  
4 Poseidon compressor?

5 A. No.

6 Q. Prior to this incident, did you  
7 see any manuals related to a Kitchen  
8 Knight system?

9 A. No.

10 Q. Do you know what a Kitchen  
11 Knight system is?

12 A. No.

13 Q. Prior to this incident, did you  
14 see any manuals related to the design,  
15 installation or maintenance of kitchen  
16 fire suppression systems?

17 A. No.

18 Q. Sitting here today or prior to  
19 this incident, did you know how to  
20 design, install or maintain a kitchen  
21 fire suppression system?

22 A. No.

23 Q. Prior to this incident did you  
24 see any instructions regarding the proper  
25 filling of compressed air tanks?

1 FRANKLIN BUONO

2 A. No.

3 Q. Prior to this incident did you  
4 see any instructions regarding the  
5 maintenance of a kitchen fire suppression  
6 system?

7 A. No.

8 Q. Prior to this incident did you  
9 see any manuals relating to the Pro-Tec's  
10 fire suppression system?

11 A. No.

12 Q. Do you know what a Pro-Tec's  
13 fire suppression system is? No?

14 A. No. Sorry.

15 Q. I understand you know where I'm  
16 going with the questions.

17 Prior to this incident, I  
18 believe you already said you didn't see a  
19 manual for a Kitchen Knight system,  
20 correct?

21 A. Correct.

22 Q. Did you ever see a manual for a  
23 Kitchen Knight II system?

24 A. No.

25 Q. And I've said manuals, if I was

1 FRANKLIN BUONO

2 going to expand my question to say  
3 instructions for use, brochures,  
4 documents telling you how to use them,  
5 have you ever seen any of those types of  
6 documents related to kitchen fire  
7 suppression systems?

8 A. No.

9 Q. And include in that, have you  
10 ever seen anything that told you how to  
11 work the Poseidon air compressor or the  
12 attached cascade system?

13 A. No.

14 Q. Prior to the incident what were  
15 some of your hobbies?

16 A. I used to like bike riding,  
17 rollerblading, go bowling, trap shooting  
18 with my father, I used to take my dogs to  
19 the park, go out bowling, movies, I used  
20 to drive a stick shift.

21 Q. At the time this incident  
22 occurred, did you have a bicycle?

23 A. Yes.

24 Q. How often would you ride it?

25 A. When the weather was nice, once

1 FRANKLIN BUONO

2 a week.

3 Q. Were you, like, one of those  
4 riders that goes out and kind of go on  
5 for, like, a ten mile, see how fast I can  
6 get this done?

7 A. No.

8 Q. It was more a recreational  
9 thing?

10 A. Yes.

11 Q. How often would you rollerblade  
12 prior to the incident?

13 A. About a year before I was  
14 pretty activity rollerblading.

15 Q. How about at the time of the  
16 incident?

17 A. No.

18 Q. Have you gone trap shooting  
19 since the day of the incident?

20 A. No.

21 Q. How often would you go trap  
22 shooting prior to the incident?

23 A. I'd go about once a month with  
24 my dad.

25 Q. So how many times over your

1 FRANKLIN BUONO

2 lifetime have you gone trap shooting?

3 A. Probably about 25, 30.

4 Q. In the six months prior to the  
5 incident, how many times did you go trap  
6 shooting?

7 A. I think once.

8 Q. Did you have a supervisor at  
9 Oprandy's?

10 A. Chris.

11 Q. Just to be clear, for the  
12 record, that's Christopher Foust?

13 A. Correct.

14 Q. Prior to the incident while you  
15 were you at Oprandy's, did you receive  
16 any training related to filling cylinders  
17 or tanks with compressed gas?

18 A. No.

19 Q. While you were at Oprandy's,  
20 did you have any training regarding  
21 filling fire extinguishers with agent and  
22 compressed gas?

23 A. Yes.

24 Q. What was that training?

25 A. Chris showed me how to take

1 FRANKLIN BUONO

2 apart and put back together fire  
3 extinguisher.

4 Q. Can you walk me through that  
5 step by step in terms of, what would be  
6 the first you were going to do when you  
7 were servicing a fire extinguisher as  
8 Chris instructed?

9 A. I don't remember. I was there  
10 a month. I know, like, bits and pieces  
11 but it's not the whole walkthrough. It  
12 wouldn't be an accurate retelling. I  
13 can't remember completely.

14 Q. Would you discharge the fire  
15 extinguisher to make sure the contents  
16 were out of it?

17 A. Yes.

18 Q. Where would you do that?

19 A. In the shop.

20 Q. I'm going to show you a couple  
21 of photographs and if you could tell  
22 me -- I'm going to show you Defendant's  
23 Exhibit 4 and I'm also going to show you  
24 Defendant's Exhibits 8 and 9 and I'm  
25 going to ask you if any of these show the



1 FRANKLIN BUONO

2 shop where you would do the work on the  
3 fire extinguisher.

4 A. This is all the room. That's  
5 where I worked, back there.

6 MR. LEVY: Indicating?

7 MS. STIGALL: He is indicating  
8 Defendant's Exhibit 9.

9 A. This is the same room but I  
10 didn't work on wet chem.

11 Q. So you pointed to, it looks  
12 like a bench in the back of the photo on  
13 Defendant's Exhibit 9; is that correct?

14 A. Correct.

15 Q. I think what I'm going to have  
16 you go ahead and do is take my pen and  
17 can you just kind of put a square around  
18 the area where you did that work?

19 A. Sure. Sorry. Circle.

20 Q. It's kind of a circle?

21 A. Yeah.

22 Q. You're encircling the area?

23 MR. LEVY: Can I see what he  
24 did?

25 Q. Did you ever work with the

1 FRANKLIN BUONO

2 system that's shown on Defendant's  
3 Exhibit 8?

4 A. No.

5 Q. Did you ever receive any  
6 training regarding the system that's  
7 shown on Defendant's Exhibit 8?

8 A. No.

9 Q. And Exhibit 4 has four pages,  
10 looking at the air filling system that's  
11 shown a little bit in Defendant's  
12 Exhibit 4 and in the upper-right corner  
13 of the second page of Defendant's Exhibit  
14 four, do you know what that is?

15 A. Where? I'm sorry.

16 Q. It would be the system that's  
17 shown and I'll just -- let's just go to  
18 the second page, the red machine that's  
19 in the upper-right corner of Defendant's  
20 Exhibit 4, do you know what that is?

21 A. Yes.

22 Q. What is that?

23 A. That is the Poseidon air tank  
24 or air system.

25 Q. Did you receive any training

1 FRANKLIN BUONO

2 from anyone at Oprandy's regarding  
3 operating that system?

4 A. No.

5 Q. Did you ever operate that  
6 system?

7 A. No.

8 Q. Did you take -- strike that,  
9 please.

10 Did you receive -- now I'm  
11 talking about your training on the  
12 extinguishers.

13 A. Okay.

14 Q. Did you receive any type of  
15 written documentation regarding that work  
16 you were doing?

17 A. Written instruction?

18 Q. Yes.

19 A. No.

20 Q. Did you ever see any written  
21 instruction on that work you were doing?

22 A. No.

23 Q. So would I be correct if I said  
24 that anything you learned as far as  
25 working with those fire extinguishers was

1 FRANKLIN BUONO

2 basically from Chris showing you how to  
3 do it?

4 A. Correct.

5 Q. Did you ever take any online  
6 courses about that work?

7 A. I believe he had me go on a  
8 website.

9 Q. Do you know what that website  
10 was?

11 A. No.

12 Q. What did the -- was there one  
13 website?

14 A. Yeah. It was -- go ahead.

15 Q. What did that website show you?

16 A. Different types of normal fire  
17 extinguishers.

18 Q. So it just shows different fire  
19 extinguishers?

20 A. Yeah. And like the contents of  
21 those fire extinguishers and those --  
22 like, what fires they would put out.

23 Q. So would I be correct to say  
24 that the online information he showed you  
25 had to do with types of fire

1 FRANKLIN BUONO

2 extinguishers and the types of fires they  
3 put out?

4 A. Correct.

5 Q. Did any of that online  
6 information relate to how to properly  
7 service a fire extinguisher?

8 MR. LEVY: I'm sorry. You're  
9 asking about the website?

10 Q. That online site that you  
11 looked at, did anything on that tell you  
12 step by step what to do to service a fire  
13 extinguisher?

14 A. No.

15 Q. So I'll just ask it this way,  
16 did you ever receive any type of online  
17 training that instructed you concerning  
18 how to service a fire extinguisher?

19 A. No.

20 Q. Did Brian Scott do any of your  
21 training?

22 A. No.

23 Q. Is Brian Scott's stepson; is  
24 that Robbie?

25 A. Yes.

1 FRANKLIN BUONO

2 Q. Did Robbie provide you with any  
3 training?

4 A. No.

5 Q. So the sole training you had at  
6 Oprandy's prior to this incident was  
7 Chris Foust showing you how to take apart  
8 and put together a fire extinguisher?

9 A. Correct.

10 MR. LEVY: I'm sorry. Who's  
11 Brian Scott's --

12 MS. STIGALL: Robbie, Brian  
13 Scott's stepson.

14 MR. LEVY: Stepson. Okay.  
15 Thank you.

16 Q. Did Christopher Foust show you  
17 how to fill the fire extinguisher with  
18 agent and compressed gas?

19 A. Yes.

20 Q. What did he show you in terms  
21 of what to do?

22 A. I cannot remember the process.

23 Q. But you do remember that you  
24 did that at the location on Defendant's  
25 Exhibit 9?

1 FRANKLIN BUONO

2 A. Correct.

3 Q. And he didn't provide you with  
4 any written instructions?

5 A. Correct.

6 MR. LEVY: Can I have that last  
7 question and answer. Actually, the one  
8 before that.

9 [The requested portion of the  
10 record was read.]

11 Q. You had said you looked at your  
12 statement prior to coming here today,  
13 correct?

14 A. Correct.

15 Q. Can you hand that to me?

16 A. Sure.

17 Q. You mention in your statement  
18 that: We would repressurize fire  
19 extinguishers by hooking them to the CO2  
20 line, opening the valve and watching the  
21 gauge on the extinguisher to see that it  
22 was full.

23 Is that your recollection here  
24 today?

25 A. Yes.

1 FRANKLIN BUONO

2 Q. You also state: To avoid over  
3 pressuring I would make sure not to hold  
4 the valve open too long?

5 A. Correct.

6 Q. Can you tell me why back then  
7 you wanted to avoid over pressurizing?

8 MR. LEVY: Note my objection.  
9 I don't know where you're looking.

10 MS. STIGALL: Page 1716.

11 Q. If you would like to look at  
12 that, it's on the first full paragraph.

13 MR. LEVY: My objection was, I  
14 don't know if it was that he was doing or  
15 if he was --

16 Q. You make the statement to avoid  
17 over pressurizing?

18 A. Yes.

19 Q. I would make sure not to hold  
20 the valve open too long.

21 A. Correct.

22 Q. Why would you want to avoid  
23 over pressurizing?

24 A. I believe if you over  
25 pressurized the chemical would then start



1 FRANKLIN BUONO

2 coming out.

3 Q. Could there be a danger in over  
4 pressurizing in terms of a cylinder  
5 rupturing?

6 A. I don't know.

7 Q. Said: If something wasn't  
8 working right, I would ask Chris.

9 Did you at times have problems  
10 with over pressurizing when you were  
11 filling the fire extinguishers?

12 A. I don't know. I don't -- can  
13 you repeat the question?

14 Q. Would you ever have any  
15 problems with over pressurizing when you  
16 were filling the fire extinguishers?

17 MR. LEVY: Note my objection.

18 A. No.

19 MR. LEVY: Because I think  
20 we're confusing two different processes  
21 in your questions.

22 MS. STIGALL: Right now I'm  
23 talking over pressurizing fire  
24 extinguishers. I think I said that in my  
25 question.

1 FRANKLIN BUONO

2 MR. LEVY: Note my objection  
3 because I didn't understand that and you  
4 just used the word over pressurizing.

5 MS. STIGALL: Because he used  
6 it in his statement.

7 MR. LEVY: Well, but it could  
8 refer to different -- two different  
9 processes. One that he did and one that  
10 he didn't.

11 MS. MOLINEAUX: That's what  
12 she's asking him to explain.

13 MR. LEVY: Okay. I just want  
14 to make sure we're talking about the same  
15 thing.

16 Q. So when you say to avoid over  
17 pressurizing I would make sure not to  
18 hold the valve open too long.

19 A. Yes.

20 Q. What do you mean by over  
21 pressurizing?

22 A. You would be able to see if the  
23 dial went -- you'd be able to see how  
24 much it pressurized through the gauge.  
25 So if you went over that, the chemical

1 FRANKLIN BUONO

2 would start coming out.

3 Q. And did you also understand at  
4 that time that there was a danger if you  
5 over pressurized a cylinder?

6 A. Yes.

7 Q. You mention in your statement,  
8 and I'll just make sure you -- it's down  
9 in the next full paragraph, you say in  
10 the second line: I never seen a safety  
11 cage used.

12 A. Correct.

13 Q. Do you know what a safety cage  
14 is?

15 A. Now, yes.

16 Q. What's a safety cage?

17 A. It's something that you put a  
18 tank into -- if it explodes it keeps the  
19 shrapnel in I believe.

20 Q. And you never saw a safety cage  
21 at Oprandy's?

22 A. No.

23 Q. When you pressurized fire  
24 extinguishers at Oprandy's did you ever  
25 use a safety cage?

1 FRANKLIN BUONO

2 A. No.

3 Q. Did you ever see anyone at  
4 Oprandy's ever use a safety cage?

5 A. No.

6 Q. On the day of the incident when  
7 the cylinder at issue was being  
8 pressurized was a safety cage used?

9 A. No.

10 Q. I'd like to walk through step  
11 by step what happened on the day of the  
12 incident.

13 A. Okay.

14 Q. What time did you get to work  
15 that morning?

16 A. 9:00. Every morning.

17 Q. What did you do that morning  
18 when you got to work?

19 A. I was moving fire extinguishers  
20 to Brian's truck I believe and he then  
21 asked me to fill a compressed CO2 tank,  
22 which I've never done, or compressed  
23 cylinder, which I never done before. So  
24 I asked Chris to show me how and he  
25 brought me in the back room.

1 FRANKLIN BUONO

2 Q. Let's take it a little bit at a  
3 time and then we'll continue.

4 A. Sure.

5 Q. So you got there that morning  
6 and you're moving fire extinguishers to  
7 Brian Scott's truck?

8 A. Correct.

9 Q. And at that point Brian Scott  
10 asked you to fill a compressed gas tank?

11 A. Correct.

12 Q. Was that tank the cylinder at  
13 issue in this case?

14 A. Correct.

15 Q. Where was that tank when you  
16 first saw it?

17 A. I believe it was in the room  
18 that we were -- that we work in, the  
19 shop.

20 Q. So did Brian take you to the  
21 room and say, I need you to fill this?

22 A. No. It was in the room and he  
23 asked me to fill it.

24 Q. And what did you do next?

25 A. I then got Chris and asked him

1 FRANKLIN BUONO  
2 to show me how and I don't remember if it  
3 was me or him that moved it into the  
4 other room. Yeah.

5 Q. When you have first saw the  
6 cylinder, if you can look at the exhibits  
7 I showed you before and show me which  
8 room it was in?

9 A. When I first saw it?

10 Q. Yes.

11 A. It was in this room.

12 Q. So when you first saw the  
13 cylinder it was in the room that is  
14 Defendant's Exhibit 9?

15 A. Correct.

16 Q. And somehow the cylinder was  
17 moved from that room to the room that's  
18 shown in Defendant's Exhibit 4?

19 A. Correct.

20 Q. Did Brian Scott ask -- he just  
21 asked you to fill it, he didn't ask you  
22 to go get Chris, he just said, you need  
23 to fill this?

24 A. Correct.

25 Q. So you said you then went and

1 FRANKLIN BUONO

2 got Chris and asked him to show you how?

3 A. Correct.

4 Q. So you're in the room shown on  
5 Defendant's Exhibit 4, what happened  
6 next?

7 A. Chris went over to the Poseidon  
8 system and hooked it up to the tank and  
9 attempted to fill it, and we were looking  
10 at the red gauge and the tank and it was  
11 not filling, we were listening for air to  
12 go into the tank.

13 Q. So let me stop you there.

14 A. Uh-huh.

15 Q. Just because I'm trying to take  
16 this a little bit at a time.

17 A. Yep.

18 Q. So when you say Christopher  
19 went over to the Poseidon system, are you  
20 talking about the red machine that's on  
21 the second page of Defendant's Exhibit 4?

22 A. Yes.

23 Q. Can you go ahead and I'll hand  
24 you a pen and just circle so there's  
25 complete clarity to what we're talking

1 FRANKLIN BUONO

2 about. Thank you.

3 Did you hear the compressor  
4 come on?

5 A. No.

6 Q. So what did he turn on?

7 A. I'm not sure.

8 Q. Did you see how he hooked it  
9 up?

10 A. I don't know.

11 Q. You don't know one way or  
12 another?

13 A. No.

14 Q. Then you said, We attempted to  
15 fill it looking at the red gauge. I'm  
16 going to show you Defendant's Exhibit 5  
17 and 6, and I'll represent to you  
18 Defendant's Exhibit 6 is from an OSHA  
19 report.

20 A. Okay.

21 Q. Have you seen that report  
22 before?

23 A. Yes.

24 Q. And I'll represent to you that  
25 Defendant's Exhibit 5 is a photograph of



1 FRANKLIN BUONO

2 the tank after the incident.

3 Could you please show me if you  
4 see on the Defendant's 5 or 6 the gauge  
5 that you were looking at as you were  
6 filling the tank?

7 A. No. There's no gauge there in  
8 your pictures.

9 Q. Where was the gauge?

10 A. I don't know. On top.

11 Q. Was it on top of the tank?

12 A. I believe so.

13 Q. And let me just ask you, and I  
14 don't want to influence your answer, but  
15 I'm just trying to get some clarity here,  
16 on both of these I see a round thing to  
17 the side.

18 A. Correct.

19 MR. LEVY: I'm sorry. On which  
20 exhibit?

21 Q. On Defendant's Exhibit 6  
22 there's a item that, I think it's got a  
23 number, I can't see the number, it's  
24 furthest left on the photograph that's on  
25 the bottom that is round but you're

1 FRANKLIN BUONO

2 seeing it from the side.

3 A. Correct.

4 Q. And then the same thing,  
5 there's a round item that's on the top of  
6 the tank but you're seeing it from the  
7 top, you're not --

8 A. Seeing the side, yeah.

9 Q. See onto that.

10 A. It's a gauge. There's just no  
11 actual gauge there.

12 Q. Could this be the gauge that  
13 you were looking at?

14 A. It's possible.

15 Q. Now that you're seeing that  
16 that's on the top of the tank, is it in  
17 the location of the gauge that you were  
18 looking at that day?

19 A. I believe so.

20 Q. What were you looking for when  
21 you were looking at that gauge on the top  
22 of the tank?

23 A. For the gauge to move.

24 Q. Other than the gauge on the top  
25 of the tank, did you look at any other

1 FRANKLIN BUONO

2 gauge to see if the air was going in?

3 MR. LEVY: Just note my  
4 objection. I don't know that he's  
5 indicated there was any other gauge.

6 MS. STIGALL: That's why I'm  
7 asking, did he look at any other gauge.  
8 If you want me to ask it another way.

9 MR. LEVY: Yes.

10 Q. Did you look at any other gauge  
11 other than the gauge on the top of the  
12 tank to see if air was going into the  
13 tank?

14 A. I don't know. I only remember  
15 the one gauge.

16 Q. So it's your testimony here  
17 today that the only gauge that you  
18 remember looking at is the one on the top  
19 of the tank?

20 A. That's the only one I know of,  
21 yes.

22 Q. I'm handing you what's been  
23 marked as Defendant's Exhibit 7 and if  
24 you can look at the photograph in  
25 Defendant's Exhibit 7. I just wanted to

1 FRANKLIN BUONO

2 make sure you had time.

3 A. Yep.

4 Q. In your statement you mention  
5 Chris grabbed a part from the other room  
6 and hooked it up to the compressor. Then  
7 you say the fitting that Chris grabbed  
8 from the front room was a long piece of  
9 metal with a nozzle or a valve in the  
10 middle?

11 A. Correct.

12 Q. Looking at Defendant's  
13 Exhibit 7, do those pieces appear to be  
14 the pieces that were used to fill the  
15 tank that day?

16 A. I know this one.

17 Q. And you just noted the piece  
18 that has the red handle on it?

19 A. Correct.

20 Q. What was that piece used for  
21 that day?

22 A. I did not know at the time.

23 Q. What did Chris do -- there's a  
24 statement in your -- there's a sentence  
25 in your statement that said something

1 FRANKLIN BUONO

2 about throttling the air in?

3 A. Correct.

4 Q. Was that photograph, the bottom  
5 photograph on Defendant's Exhibit 2, does  
6 it show the piece that Chris used to  
7 throttle air into the cylinder that day?

8 A. Yes, it does.

9 Q. What would he do to throttle  
10 the air in?

11 A. Move the valve back and forth.

12 Q. Your last statement was that  
13 Chris hooked it up, attempted to fill it  
14 and you were looking at the red gauge?

15 A. Correct.

16 Q. Please tell me in your own  
17 words what happened next.

18 A. After he got the piece, I was  
19 looking at the red gauge, leaning in to  
20 listen if any air was going in also, and  
21 I'm pretty sure that's when it exploded.

22 Q. When you say he went to get the  
23 piece, is that the piece we're seeing in  
24 this?

25 A. Yes.

1 FRANKLIN BUONO

2 Q. How much time elapsed from the  
3 time he hooked up this piece, and that  
4 being the piece in the bottom of 7, and  
5 started throttling in air, how much time  
6 elapsed from the time he started  
7 throttling in air to the time the tank  
8 ruptured?

9 A. I don't know.

10 Q. If there's any kind of guess --  
11 not a guess -- I'm sorry -- estimate in  
12 terms of, are we talking 15 minutes or  
13 something closer to just a minute or two?

14 A. A minute or two.

15 Q. If you could look at the valve  
16 that's shown in the bottom picture on  
17 Defendant's Exhibit 6 and tell me where  
18 was the fitting inserted into the valve  
19 to fill the tank, was it inserted on the  
20 side or on the top?

21 A. On the side.

22 Q. Can you draw an arrow on  
23 Defendant's Exhibit 6 into where the  
24 fitting was inserted to fill the tank?

25 And I'm showing that there's an

1 FRANKLIN BUONO

2 arrow that's next to the diagram of the  
3 valve.

4 MR. LEVY: I just see -- oh,  
5 okay.

6 Q. And if you were going to draw  
7 it over on this photograph, where would  
8 you draw the arrow on the photograph of  
9 the valve?

10 Thank you.

11 There's mention in your  
12 statement that Chris was using a  
13 screwdriver to press down on something,  
14 can you put a circle around the area  
15 where Chris was pressing down with the  
16 screwdriver?

17 MR. LEVY: Can I see that?

18 Q. You know what, now that we've  
19 done two arrows I'm going to have you put  
20 SD next to the arrow where he was pushing  
21 down with the screwdriver?

22 MR. LEVY: I'm sorry. Did you  
23 say what was it that he was pushing down  
24 the screwdriver on?

25 Q. What was he pushing down with

1 FRANKLIN BUONO

2 the screwdriver, do you know what that's  
3 called?

4 A. No.

5 Q. Let me ask you, as he was doing  
6 that did you see a little valve stem up  
7 that he was pushing down on kind of like  
8 what you -- stem on a tire?

9 A. No.

10 Q. Don't remember?

11 A. I didn't see it.

12 Q. But he was pressing down on the  
13 top of the valve?

14 A. Yes.

15 Q. Had you ever filled any test  
16 cylinder before?

17 A. No.

18 Q. In your statement you say,  
19 Chris never mentioned that the pressure  
20 on the regulator needed to be set or  
21 mentioned the regulator at all; is that  
22 still your recollection today?

23 A. Yes.

24 Q. You also state: I don't even  
25 know if the regulator was used; is that



1 FRANKLIN BUONO

2 still your recollection today?

3 A. Yes.

4 Q. At any time while you were  
5 there during the filling operation, did  
6 you ever see Chris use a regulator?

7 A. I don't know. I was only there  
8 one other time and it was from a far  
9 distance.

10 Q. But my question is, did you  
11 ever see him use a regulator that day?

12 A. No. I was -- the questions  
13 that they asked me, I wasn't aware of any  
14 of this prior. I learned through the  
15 OSHA report, so...

16 Q. I understand.  
17 But I just want to make sure  
18 I'm clear on what you saw or didn't see  
19 or what you heard or you didn't hear.

20 A. Okay.

21 Q. Did you ever hear Chris say he  
22 was using a regulator?

23 A. No.

24 Q. Did you ever see Chris use a  
25 regulator?

1 FRANKLIN BUONO

2 A. No.

3 Q. And as a matter of fact you say  
4 in your report Chris never mentioned the  
5 regulator at all; is that correct?

6 A. Correct.

7 Q. Did you ever examine the tank  
8 to look at anything that was written on  
9 the tank?

10 A. Yes.

11 Q. What did you look for?

12 A. I looked for warnings or stuff  
13 like that, instructions, anything.

14 Q. When did you look for warnings  
15 or instructions?

16 A. While we were -- while Chris  
17 was tinkering with it.

18 Q. What did you see on the tank?

19 A. I believe a date. That was  
20 about it. A lot of it was really worn.

21 Q. Did you ask to look for a  
22 manual related to the cylinder?

23 A. No.

24 Q. Did you ask to look for a  
25 manual related to the air filling system?

1 FRANKLIN BUONO

2 A. No.

3 Q. Was there anything posted on  
4 the walls in terms of signage about how  
5 to fill the cylinders from the Poseidon  
6 system?

7 A. No.

8 Q. Did you look on the walls?

9 A. No. There was nothing on the  
10 walls to look at. Just -- there's no  
11 instructions in any of those walls.

12 Q. Okay. Thank you.

13 A. Yep.

14 Q. Occasionally I kind of have to  
15 look over my notes, so... There are some  
16 lawyers that may not have to but I need  
17 to look over my notes.

18 Earlier we talked about the  
19 different employees at Oprandy's, I think  
20 we went through a list when we went  
21 through your disclosure.

22 A. Uh-huh.

23 Q. Were all those employees there  
24 that day?

25 A. No.

1 FRANKLIN BUONO

2 Q. Who wasn't there?

3 A. The two men that delivered  
4 stuff. I don't think Robbie was there.

5 Q. Who was there on the day of the  
6 incident?

7 A. I believe --

8 Q. At the time of the incident?

9 A. I believe just Chris and Brian.

10 Q. Was Arlene there?

11 A. She might've been. But I  
12 didn't see her.

13 Q. Was Patty?

14 A. I didn't see her.

15 Q. To your recollection the only  
16 other employee there other than you and  
17 Chris was Brian?

18 A. Correct.

19 Q. So I believe your next  
20 testimony was that Chris was pushing down  
21 on the top of the valve?

22 A. Correct.

23 Q. Tell me what happened next.

24 A. He was pushing down on the  
25 valve, all I remember was a huge

1 FRANKLIN BUONO

2 explosion, I guess you'd -- the ground  
3 just collapsed under me, the shrapnel hit  
4 other fire extinguishers which caused  
5 them to explode chemicals all over the  
6 room. So we couldn't see or hear because  
7 the explosion. When I realized I lost my  
8 leg I crawled to the door and called for  
9 help for Brian and I tourniqueted my leg  
10 with my belt.

11 Q. Looking at Defendant's  
12 Exhibit 4, can you tell me where in that  
13 room you and Chris were at the time you  
14 were filling the fire extinguisher?

15 A. In that giant black -- yeah.

16 Q. So how many feet were you from  
17 the Poseidon system would you estimate?

18 A. I was probably, like, two feet  
19 or like a foot from Chris and probably,  
20 like, four, five feet from the Poseidon  
21 air tank.

22 Q. Was the tank between you and  
23 Chris?

24 A. I was off to the side a little  
25 bit. So, like, Poseidon tank, Chris, me

1 FRANKLIN BUONO

2 more or less.

3 Q. I'm just going to give you a  
4 sheet of paper here.

5 A. You want to see my stick  
6 figures.

7 Q. You know what, you don't have  
8 to do a stick figure. If you want to do,  
9 like, your initials and Chris's initials  
10 and then, like, a T for the tank and a P  
11 for the Poseidon system. I'm just going  
12 to -- is the room square?

13 A. I believe so.

14 MR. LEVY: Just note my  
15 objection to the witness creating  
16 evidence.

17 MS. STIGALL: I'm just trying  
18 to get a good feel for where everybody  
19 was.

20 MR. LEVY: He said he was a  
21 foot from Chris at the time as I recall.

22 Q. So if you can -- and what I'm  
23 going to do, the Poseidon system is  
24 pretty much in the corner, correct?

25 A. Yeah.

1 FRANKLIN BUONO

2 Q. So I'm going to put a P, and  
3 that's me, you aren't doing that, where  
4 the Poseidon system would have been.

5 A. Okay.

6 Q. Okay?

7 And if you could then give me  
8 an idea, with this being the room, put  
9 your initials where you were, Chris's  
10 initials where he was and then a T where  
11 the tank was just prior to the incident  
12 so we get an idea of how things were  
13 arranged.

14 MR. LEVY: Note my objection.

15 A. Okay. I have no idea of the  
16 accuracy of this. Because this is not  
17 labeled for meters or feet or anything.

18 Q. No, I understand. We're not  
19 holding you to feet and inches. I just  
20 want location of who's closest to the  
21 Poseidon system, who's -- where the tank  
22 is in relation to you and Chris.

23 MR. LEVY: Just note my  
24 objection to what you're asking him to do  
25 here. He's already indicated he's not

1 FRANKLIN BUONO

2 sure that he can do it in a proper  
3 manner. So over objection you can try if  
4 you can. If you can't, say you can't.

5 A. Accurately I can't.

6 Q. Who was closest to where the  
7 Poseidon system was?

8 A. Chris.

9 Q. And then where was the tank in  
10 relation to you and Chris? If you don't  
11 want to draw we'll just talk about it.  
12 That's fine.

13 A. Yeah. I'd rather not draw it.

14 Q. That's fine. I'm fine with  
15 that.

16 The Poseidon system's in the  
17 corner and Chris is how many feet would  
18 you say he's from it?

19 A. Maybe two feet.

20 Q. Then where is the tank in  
21 relation to Chris?

22 A. He's right next to it.

23 MR. LEVY: You're asking about  
24 the tank to be filled?

25 MS. STIGALL: Yes.



1 FRANKLIN BUONO

2 THE WITNESS: Yeah.

3 Q. If the Poseidon system is a  
4 couple of feet from Chris, is the tank  
5 between Chris and the Poseidon system or  
6 is it on the other side of Chris from the  
7 Poseidon system?

8 A. Can you repeat that?

9 Q. Okay. So we got the -- Chris  
10 is about two feet from the tank?

11 A. Yep.

12 Q. From the Poseidon system?

13 A. Yep.

14 Q. Is the tank between Chris and  
15 the Poseidon system or is it on the other  
16 side of Chris away from the Poseidon  
17 system?

18 A. I believe that Chris is in  
19 between the tank and Poseidon system.

20 Q. So how close is the tank to the  
21 Poseidon system?

22 A. Just a couple of feet, two  
23 feet, three feet.

24 Q. A little further than Chris?

25 A. Yeah.

1 FRANKLIN BUONO

2 Q. And then where are you in  
3 relation to Chris and the tank?

4 A. Probably, like, a foot away  
5 looking at the dial leaning in.

6 Q. Is the tank between you and  
7 Chris?

8 A. It's to the -- I'm kind of to  
9 the side of it I believe.

10 Q. How far were you from the tank?

11 A. About a foot.

12 Q. How far was Chris from the  
13 tank?

14 A. I believe he was straddling it.  
15 Not straddling it but, like, right -- he  
16 was on the top of it.

17 Q. And you're about a foot away?

18 A. Yeah.

19 Q. That gives me the information I  
20 need. Thank you.

21 Who did you see first after the  
22 incident happened?

23 A. Brian. Well, I saw Chris first  
24 on the floor. Then Brian.

25 Q. What happened?

1 FRANKLIN BUONO

2 A. I yelled for him to get help,  
3 to call 911. He went and called 911,  
4 came back, he said he called 911. And  
5 that's the last I remember of him.

6 Q. You didn't see him after that?

7 A. I don't believe so, no.

8 Q. Did he assist with any kind of  
9 medical help?

10 A. No.

11 Q. Did he check to see how you  
12 were or how --

13 A. No.

14 Q. Did he check to see how Chris  
15 was?

16 A. No.

17 Q. Where did you go?

18 A. I have no idea.

19 Q. From the time that he came in  
20 and you told him --

21 A. He didn't come in the room. He  
22 just stood in the doorway.

23 Q. If I can just finish my  
24 question.

25 A. Sorry.

1 FRANKLIN BUONO

2 Q. I understand that this is --  
3 just tell me if you need to take a break.  
4 I understand this is a very difficult  
5 incident.

6 From the time he came in and  
7 you told him to call 911, did he ever  
8 come back into the room?

9 A. He never was in the room in the  
10 first place.

11 Q. From the time -- so he just  
12 came to the --

13 A. Door.

14 Q. From the time he came to the  
15 door -- well, let me ask you this, did  
16 Brian Scott ever come into the room after  
17 the incident happened?

18 A. I don't believe so.

19 Q. Who was the first person to  
20 come into the room after the incident  
21 happened?

22 A. I believe a firefighter.

23 Q. How long was it before the  
24 firefighters got there?

25 A. I'm not sure.

1 FRANKLIN BUONO

2 Q. Did you lose consciousness?

3 A. No. I was in shock, though.

4 Q. Did Chris lose consciousness?

5 MR. LEVY: Just note my

6 objection.

7 A. I don't know.

8 Q. You don't know?

9 A. I don't know?

10 Q. It's my understanding you were  
11 transported from the scene by ambulance  
12 to the hospital?

13 A. Ambulance to helicopter.

14 MS. STIGALL: I think we might  
15 go ahead and take a break for a few  
16 minutes.

17 THE VIDEOGRAPHER: The time is  
18 12:20 and we are going off the record.  
19 This is the end of Media Unit 1.

20

21 [Whereupon, after a luncheon  
22 recess was taken, the following was  
23 had:]

24

25 A F T E R N O O N S E S S I O N

1 FRANKLIN BUONO

2

3 THE VIDEOGRAPHER: The time is  
4 1:06 and we are back on the record. This  
5 is THE beginning of Media Unit 2.

6 BY MS. STIGALL:

7 Q. Mr. Buono, Defendant's  
8 Exhibit 1, I believe the circle is where  
9 you said it showed the area where you  
10 would work on, refill and recharge  
11 extinguishers; is that correct?

12 A. Yes.

13 Q. When you would recharge those  
14 extinguishers with agent and compressed  
15 gas, when you did that?

16 A. Yes.

17 Q. Did you read what was on the  
18 side of the fire extinguisher?

19 A. I believe so, yes.

20 Q. Can you tell me, sitting here  
21 today, what it said on the side of the  
22 fire extinguishers that you filled with  
23 agent and compressed gas?

24 A. I do not know. It's been a  
25 long time.

1 FRANKLIN BUONO

2 Q. Can you tell me one thing it  
3 said on the label that you have testified  
4 to that you read?

5 A. No, I do not remember anything  
6 that was on that label.

7 Q. Do you remember if there was  
8 anything on the label about how to fill  
9 the extinguisher with compressed gas and  
10 agent?

11 A. I don't know.

12 Q. I am going to be kind of  
13 jumping around because I'm going through  
14 some of my notes previously.

15 Prior to this incident, had you  
16 ever been injured on any job?

17 A. No.

18 Q. Prior to this incident had you  
19 ever had any type of claim for injuries  
20 to any entity whether it be an automobile  
21 accident, a workplace injury, anything?

22 A. No.

23 Q. Did you ever receive any  
24 training related to safety while you were  
25 at Oprandy's?

1 FRANKLIN BUONO

2 A. No.

3 Q. I'm sorry?

4 A. No.

5 Q. Thank you.

6 During this incident what parts  
7 of your body were injured?

8 A. Right below the knee, my right  
9 leg below the knee.

10 Q. Can you describe to me how  
11 large the room was that you were in when  
12 the cylinder was being pressurized?

13 A. Fairly large.

14 Q. 20 by 20, 10 by 10?

15 A. I don't know.

16 Q. Once again, I'm going to pull  
17 out your statement to make sure I say it  
18 correctly.

19 Your statement was that Chris  
20 would throttle the air with the valve on  
21 the -- oh, it's the page that has 1717 on  
22 the bottom. And I'm reading from about a  
23 little bit more than halfway down the  
24 first paragraph. Just tell me when you  
25 see the part, Chris would throttle.



1 FRANKLIN BUONO

2 A. Uh-huh.

3 Q. Chris would throttle the air  
4 with the valve on the long metal piece  
5 and we would look at the gauge on the  
6 cylinder to see if it was full just like  
7 when we fill a fire extinguisher.

8 A. Correct.

9 Q. That's your recollection today?

10 A. Yes. That look at -- I was  
11 looking at the gauge like I looked at the  
12 other fire extinguishers, yes.

13 Q. And it was the gauge that was  
14 on that cylinder? It says, look at the  
15 gauge on the cylinder.

16 A. I believe so, yes.

17 Q. Did you ever see an instruction  
18 manual for the fire extinguishers that  
19 you serviced?

20 A. No.

21 Q. When was your most recent  
22 doctor appointment?

23 A. I believe maybe about a month  
24 and a half ago I saw the surgeon. A  
25 follow-up appointment on the last surgery

1 FRANKLIN BUONO

2 I had.

3 Q. Would that be Michael Coch?

4 A. Yes.

5 Q. I show a visit on January 3,  
6 2018, and it said surgery scheduled for  
7 1/17/2018 with Dr. Aspirino and myself to  
8 place an interface of dermal matrix to  
9 release the tibial stump to reinforce the  
10 padding.

11 MR. LEVY: What's the question?

12 Q. Was that your last appointment?  
13 Or did you have the surgery?

14 A. No, I had the surgery and then  
15 I had a follow-up appointment.

16 Q. That's what I -- so you did  
17 have that procedure done?

18 A. Correct, yes.

19 Q. Has that improved the situation  
20 in terms of using --

21 A. I have not gotten a new  
22 prosthetic yet.

23 Q. When do you expect --

24 A. About a week to two weeks.

25 Q. Have you had any other doctors'

1 FRANKLIN BUONO

2 appointments recently other than the  
3 follow-up appointment after the surgery  
4 that I just outlined?

5 A. No.

6 Q. How about any appointments with  
7 psychologist, psychiatrist?

8 A. Yes.

9 Q. When was your most recent  
10 appointment?

11 A. Two weeks ago.

12 Q. Who was that with?

13 A. I'm not sure. I'm so bad with  
14 names.

15 Q. Is that Rubin?

16 A. Yes, it's Rubin.

17 Q. In the past year, how often  
18 have you seen Psychologist Jeffrey Rubin?

19 A. Every two weeks.

20 Q. So since January 1st you've  
21 seen him twice a month?

22 A. Yeah.

23 Q. And can you tell me what he is  
24 treating you for?

25 A. PTSD.

1 FRANKLIN BUONO

2 Q. Can you outline for me any  
3 symptoms of PTSD that you're experiencing  
4 today?

5 A. Experiencing today?

6 Q. Not right this second but as of  
7 today?

8 A. Okay.

9 Q. Like, present symptoms.

10 A. Flashbacks, problems sleeping,  
11 problems concentrating, problems --  
12 that's about it, that I can remember  
13 right now.

14 Q. Have those symptoms improved  
15 any since the incident?

16 A. On and off.

17 Q. I guess I should have asked  
18 initially when did those symptoms start?

19 A. Right after the incident.

20 Q. Did you ever have any problems  
21 with sleeping or concentrating prior to  
22 this incident?

23 A. No.

24 Q. Had you been treated prior to  
25 this incident for psychological issues?

1 FRANKLIN BUONO

2 A. Yes.

3 Q. When were you treated prior to  
4 this incident for psychological issues?

5 A. Two to three years before that  
6 I believe.

7 Q. How did you come to have  
8 treatment for psychological issues  
9 several years before the incident?

10 A. I was seeing a psychologist or  
11 therapists and I was on antidepressants.

12 Q. Did you have problems sleeping  
13 at that time?

14 A. No.

15 Q. Did you have problems  
16 concentrating at that time?

17 A. No.

18 Q. What was the problem at that  
19 time?

20 A. Depression.

21 Q. Did there come a time several  
22 years prior to this incident where you  
23 attempted suicide?

24 A. Yes.

25 Q. When was that?

1 FRANKLIN BUONO

2 A. I don't know the exact date.

3 Q. How old were you?

4 A. I believe I was 20 or 21.

5 Q. Tell me about that.

6 A. What would you like to know?

7 Q. What did you do to attempt to  
8 commit suicide?

9 A. I locked myself in my car and  
10 duck-taped a hose to the exhaust and fed  
11 it through a window.

12 Q. Did you also take some sort of  
13 medication?

14 A. I believe so.

15 Q. Did someone find you, is that  
16 what happened?

17 A. Yeah. My sister found me. Not  
18 my sister. She was there. But my mom  
19 had a tenant at the time named Chris  
20 Bradberry, he found me.

21 Q. And then after that did you  
22 have psychological treatment?

23 A. Yes.

24 Q. For how long?

25 A. Two to three years after that.

1 FRANKLIN BUONO

2 Q. So that was when you were 20 or  
3 21 years old?

4 A. Yeah.

5 Q. And this incident occurred when  
6 you were 23, correct?

7 A. Correct.

8 Q. So I'm just trying to do the  
9 math, were you still undergoing  
10 psychological treatment at the time of  
11 this incident?

12 A. No. I had stopped.

13 MS. STIGALL: Give me just a  
14 second. I apologize. I turned that off  
15 before we met and turned it back on  
16 during the break. I apologize.

17 Q. Can you please clarify --

18 A. Can you please repeat the --

19 Q. The timing, the timing of -- my  
20 understanding was you attempted suicide  
21 at 20 to 21 years old, this incident  
22 occurred when you were 23. So I was  
23 wondering at what point prior to this  
24 incident had yo -- were you still  
25 ongoing --

1 FRANKLIN BUONO

2 A. No. About a year prior I had  
3 stopped taking the antidepressants and I  
4 was feeling pretty good.

5 Q. Have you taken any  
6 antidepressants since this incident?

7 A. Yes.

8 Q. What were you prescribed since  
9 this incident occurred or after this  
10 incident?

11 A. I believe I told you already.

12 Q. Was that what we started the  
13 deposition off with?

14 A. Yes, correct.

15 Q. The Cymbalta?

16 A. Yes. It's either Celexa or  
17 Cymbalta. It's one of those.

18 Q. Celexa?

19 A. Yeah, I believe so.

20 Q. So have you been on Celexa or  
21 Cymbalta?

22 A. For the last two months.

23 Q. Have you, since the incident,  
24 attempted to gain employment anywhere?

25 A. No.



1 FRANKLIN BUONO

2 Q. Once I think you said here,  
3 shortly you should be getting a new  
4 prosthesis, once you have that is it your  
5 expectation that you will be able to  
6 return to gainful employment?

7 A. No.

8 Q. You don't think you'll ever be  
9 able to return?

10 A. Oh, yes. But just not in the  
11 next, at least, year probably. Yeah.

12 Q. Where do you kind of get that  
13 estimate of a year out from getting the  
14 prosthesis?

15 A. When I lost my leg they had to  
16 take a piece of muscle from my back to  
17 sew it to my leg so I could keep my knee,  
18 and when I wear my prosthetic it causes  
19 blisters. So the whole reason I had this  
20 operation was to add padding so that,  
21 one, my knee or the bone that was  
22 protruding wouldn't be -- pop out of the  
23 skin through the prosthetic and hopefully  
24 to lessen blisters.

25 That I get, but there's still

1 FRANKLIN BUONO

2 going to be blisters, just not as bad.

3 We hope.

4 Q. But do you expect that -- so  
5 you expect that that's going to take  
6 about a year to resolve, is that what  
7 you're saying?

8 A. Yes. To learn to walk again  
9 and be able to stand on my feet for more  
10 than an hour, yeah.

11 Q. What type of employment are you  
12 hopeful of gaining here once you're able  
13 to get back in the force?

14 A. Something with computers.

15 Q. In the time that you've been  
16 off due to this incident and your medical  
17 treatment, have you engaged in any  
18 training or schooling related to  
19 computers?

20 A. No.

21 Q. Is that something you expect to  
22 do?

23 A. Yes.

24 Q. Have you applied to any  
25 programs to date?

1 FRANKLIN BUONO

2 A. No.

3 Q. Would you agree with me that  
4 compressed gases should be handled only  
5 by properly trained employees or persons?

6 A. Are you asking for my opinion?

7 MR. LEVY: I'm going to object  
8 to that.

9 A. From what I've experienced,  
10 yes.

11 Q. Did you receive any training  
12 whatsoever that incorporated or  
13 referenced the compressed gas association  
14 standards?

15 A. No.

16 Q. And I guess because you didn't  
17 get any training?

18 A. No, correct.

19 Q. I'm finished for now.

20 A. Okay.

21 Q. The other attorney will ask  
22 some questions. I may have some  
23 follow-up later on.

24 EXAMINATION BY

25 MS. MOLINEAUX:

1 FRANKLIN BUONO

2 A. Hi.

3 Q. Hello, Mr. Buono. My name is  
4 Shelley Molineaux and I represent  
5 Worthington who was the manufacturer of  
6 the cylinder that is the subject of this  
7 incident.

8 I want to ask you a little bit  
9 about when your uncle told you that he  
10 knew Oprandy's was looking for an  
11 employee, what was your understanding the  
12 job was?

13 A. I did not have an understanding  
14 of the job yet.

15 Q. Okay. So how did you -- did  
16 you first speak with Brian Scott about  
17 the job?

18 A. Yes. I had an interview with  
19 him.

20 Q. And at that interview did you  
21 ask him what the job was?

22 A. Yes.

23 Q. What did he tell you was the  
24 position that you were applying for?

25 A. Taking care of the fire

1 FRANKLIN BUONO

2 extinguishers, filling them and replacing  
3 them.

4 Q. Did he ask you if you had ever  
5 done anything like that before?

6 A. I don't know. I don't  
7 remember.

8 Q. Did he ask you what type -- if  
9 you had any type of training in filling  
10 fire extinguishers?

11 A. I don't know.

12 Q. Did he at any time tell you  
13 that it was a dangerous job?

14 A. I don't -- no.

15 Q. No?

16 A. No.

17 Q. Did you have an understanding  
18 at the time that you were applying that  
19 working with compressed gas was  
20 dangerous?

21 A. No.

22 Q. No?

23 How long was that interview, if  
24 you remember?

25 A. I don't. Thirty minutes maybe.

1 FRANKLIN BUONO

2 Q. Did he offer you the job at the  
3 end of the interview or did he call you  
4 later?

5 A. I believe he offered me the job  
6 at the end of the interview.

7 Q. So then on your first days of  
8 work, what was the first thing that you  
9 did?

10 A. I over shadowed Chris on  
11 putting together and taking apart the  
12 fire extinguishers.

13 Q. Which you understood was going  
14 to be your job?

15 A. Correct.

16 Q. And I know you don't remember  
17 the exact process of doing that, but what  
18 I understand is you would take off the  
19 valve and clean out; is that correct?

20 A. I -- again, it's been a very  
21 long time. There's probably, like, wipe  
22 down the tank before or something.

23 Q. I'm more interested in once the  
24 tank is clean and ready to be refilled,  
25 you would put in some type of an agent?

1 FRANKLIN BUONO

2 A. Sure. That skips a lot of  
3 processes. A lot of processes right  
4 there, but, yes.

5 MR. LEVY: Ultimately you're  
6 asking.

7 Q. Ultimately, yes, you put in the  
8 agent?

9 A. Yeah.

10 Q. And then you have to pressurize  
11 it?

12 A. Correct.

13 Q. And what would you pressurize  
14 it with?

15 A. I'm not sure of the gas.

16 Q. And how did you determine what  
17 pressure to put in the tank?

18 A. The gauge.

19 Q. Well, the gauge told you what  
20 pressure was going in, correct?

21 A. Correct.

22 Q. How full the tank was?

23 A. Correct.

24 Q. And how did you determine when  
25 you were supposed to stop?

1 FRANKLIN BUONO

2 A. When the gauge was full. It  
3 showed from empty to full.

4 Q. Did it have the words empty and  
5 full?

6 A. No. It was just red and green.

7 Q. So when it got to the green --

8 A. We knew to stop.

9 Q. You knew to stop.

10 When you were doing fire  
11 extinguishers, did you have an  
12 understanding other than a gauge what the  
13 pressure you were supposed to be putting  
14 in was?

15 A. At the time, yes, I believe so.

16 Q. And how did you gain that  
17 understanding?

18 A. Through Chris.

19 Q. So as you sit here today you  
20 have a recollection that Chris told you  
21 we were filling the fire extinguishers to  
22 X amount?

23 A. Correct.

24 Q. You just don't remember that X  
25 amount?



1 FRANKLIN BUONO

2 A. Correct. All the fire  
3 extinguishers are different when it comes  
4 to the exact amount. There was a lot of  
5 different sizes.

6 Q. So when you were working on the  
7 different sizes, how did you --

8 A. The same way.

9 Q. Just looking to see when the  
10 gauge went to full?

11 A. Correct.

12 Q. You never asked what the  
13 pressure was that was supposed to be  
14 going in?

15 A. No.

16 Q. Did anyone ever tell you where  
17 you could find what particular pressure  
18 would go in a particular tank?

19 A. I don't know. Don't know.

20 Q. You don't know because you  
21 don't remember or --

22 A. I don't remember.

23 Q. Now, you said that you read  
24 what the label said on the side of the  
25 fire extinguisher?

1 FRANKLIN BUONO

2 A. I believe so.

3 Q. But you never saw on that label  
4 where it said what the pressure of the  
5 tank was?

6 A. I don't remember. Again, a lot  
7 of the tanks were different. So to say  
8 one tank, I don't know.

9 Q. Right. I guess I'm trying to  
10 understand, did you have an understanding  
11 that there was a capacity that --

12 A. Yes.

13 Q. -- the different tanks had?

14 A. Yes.

15 Q. Did you know how to determine  
16 what that capacity was other than looking  
17 at just the gauge when it was full?

18 A. On the label of the tank.

19 Q. On the label of the tank --

20 A. Yes.

21 Q. -- it would say?

22 What would it say?

23 A. The capacity.

24 Q. It would say a capacity and  
25 then a number?

1 FRANKLIN BUONO

2 A. Yeah.

3 Q. And then did it have it for a  
4 measurement?

5 A. I don't know.

6 Q. You don't remember?

7 A. No.

8 Q. Would you when you were filling  
9 the fire extinguishers, would you look at  
10 that number prior to starting to  
11 pressurize it?

12 A. No.

13 Q. How did you come to determine  
14 that this service pressure was listed on  
15 the label, did someone tell you you  
16 should look on there to see what the  
17 service pressure is?

18 A. I don't know. I really don't  
19 remember. Again, I was only there for  
20 about a month.

21 Q. Okay. That's fine if you don't  
22 remember.

23 A. I really don't.

24 Q. Sometimes if you keep asking  
25 questions it starts jogging people's

1 FRANKLIN BUONO  
2 memory, they remember a conversation they  
3 had with someone, they remember -- so  
4 that's the only reason why we kind of go  
5 back over some of the same issues. It's  
6 not to, like, get you to make something  
7 or --

8 A. Okay.

9 Q. And you said that on the day of  
10 the incident you looked at this  
11 particular cylinder?

12 A. Correct.

13 Q. Was there a label on it?

14 A. I don't believe so, no.

15 Q. You did say that you saw, I  
16 think, a date on the cylinder?

17 A. Possibly, yeah. Today, I  
18 might've saw that after the fact. I  
19 might've seen from the pictures  
20 afterwards.

21 Q. Okay.

22 A. I don't remember.

23 Q. As you sit here today, do you  
24 remember actually inspecting the tank for  
25 any markings?

1 FRANKLIN BUONO

2 A. I remember looking at the tank.  
3 I don't remember if I saw the date on it  
4 or not.

5 Q. Do you -- as you sit here  
6 today, on the date of the incident, do  
7 you remember seeing some markings even if  
8 you don't remember what they were?

9 A. Yes.

10 Q. I'm going -- if you would look  
11 at Defendant's Exhibit 6, if you have it,  
12 in the top two pictures OSHA has  
13 identified what the different markings  
14 mean.

15 A. Okay.

16 Q. As you sit here today, do you  
17 have an understanding what those markings  
18 mean?

19 A. No.

20 Q. And I assume at the time of the  
21 incident you didn't have an understanding  
22 what those markings meant?

23 A. No.

24 Q. Did you ever point out those  
25 markings to -- oh, let me rephrase that.

1 FRANKLIN BUONO

2 Did you ever see markings  
3 similar to this on any of the fire  
4 extinguishers that you were servicing?

5 A. I don't believe so. Not  
6 markings like this. I don't think.

7 Q. And when I say markings like  
8 this, I don't mean these exact, I mean  
9 something stamped into the actual  
10 cylinder as opposed to being on a label?

11 A. I couldn't tell you. I don't  
12 remember. I'm sorry.

13 Q. That's okay. You don't have to  
14 be sorry.

15 Did you ever -- as you sit here  
16 today, do you have a recollection of ever  
17 asking anyone at Oprandy's what the  
18 markings on the cylinders meant?

19 A. No.

20 Q. And as you sit here today, you  
21 don't remember anyone from Oprandy's  
22 pointing out markings on a cylinder to  
23 you?

24 A. No.

25 Q. And because they didn't point

1 FRANKLIN BUONO

2 them out to you, no one ever explained  
3 what the markings on the cylinder were?

4 A. I believe so. Can you -- one  
5 more time.

6 Q. Yeah, I made the double  
7 negative there, so my fault.

8 No one at Oprandy's ever  
9 pointed out these marking to you and  
10 therefore no one ever explained to you  
11 what the markings indicated, correct?

12 A. Correct.

13 Q. So I want to talk a little bit  
14 about -- so you and -- Ms. Stigall just  
15 went into your -- kind of your background  
16 with your PTSD and your depression prior  
17 to the incident and because of that --

18 A. The PTSD was after.

19 Q. Right. I'm sorry. The  
20 depression from before the incident and  
21 then the PTSD which has occurred since?

22 A. Yeah.

23 Q. But while you were in the  
24 hospital you actually met with a  
25 psychiatrist, correct?

1 FRANKLIN BUONO

2 A. I don't remember.

3 Q. You don't remember.

4 Do you remember a

5 Dr. Daniels-Brady?

6 A. No.

7 Q. No?

8 A. I -- the very first couple days

9 I was very heavily drugged up.

10 Q. Well, I'm going to read you  
11 some of the notes that Dr. Daniels-Brady  
12 took from a conversation she says she had  
13 with you on February 16th which would  
14 have been four days after the incident.

15 A. Okay.

16 MR. LEVY: Just note my  
17 objection. Go ahead.

18 Q. So she says that you told her  
19 you were scared in the ambulance?

20 A. Uh-huh.

21 Q. Do you think that's an accurate  
22 statement?

23 A. Yeah, they went the wrong way.

24 Q. Oh, that would be scary, yes.

25 Considering what you were dealing with,



1 FRANKLIN BUONO

2 so, yes.

3 A. Yeah.

4 Q. All right. And you had an  
5 understanding that you were losing a  
6 large amount of blood?

7 A. Yep.

8 Q. And she said that you told her  
9 you weren't yet having nightmares or  
10 flashbacks; would that be correct?

11 A. Yep.

12 Q. And she says that you told her  
13 that computer programming is your  
14 passion?

15 A. I don't computer program.

16 Q. What do you do? She said you  
17 were interested in computers.

18 A. I work on computers. I don't  
19 program. It's a totally different --

20 Q. You build them?

21 A. Yes. I've built a few  
22 computers.

23 Q. She says that you told her you  
24 enjoy a strong support from your  
25 girlfriend?

1 FRANKLIN BUONO

2 A. Yeah.

3 Q. Fourteen months, and that was  
4 accurate?

5 A. Yep.

6 Q. She -- you told her about your  
7 suicide incident?

8 A. Yep.

9 Q. And you told her that you smoke  
10 pot daily?

11 A. I don't remember.

12 Q. Well, would it have been  
13 accurate that at the time of the incident  
14 that you were smoking pot daily?

15 A. No. I don't remember having  
16 that conversation.

17 Q. Do you remember -- wait one  
18 second, I just want to pull it up here.

19 Do you remember a nurse,  
20 Cynthia Roupe?

21 A. No. I had 15, 20 nurses.

22 Q. That's fine. I'm just asking.  
23 I totally understand that you don't  
24 remember.

25 So would she also be mistaken

1 FRANKLIN BUONO

2 if she said that you stated you smoked  
3 marijuana heavily, fairly heavily?

4 MR. LEVY: Objection.

5 A. At the time I was not smoking  
6 pot heavily. Like I said --

7 Q. Would she also be mistaken if  
8 you -- if she said that you requested  
9 Marinol given that you weren't smoking  
10 pot daily?

11 A. I don't think I ever said I  
12 smoked pot daily. But I did request  
13 Marinol.

14 Q. And what did you request the  
15 Marinol for?

16 A. Pain. Because I was in  
17 excruciating pain the entire time and  
18 everything made -- didn't help.

19 Q. And what is your understanding  
20 when you requested Marinol that it does?

21 A. Pain, my stomach.

22 Q. When you were in the hospital  
23 were you also given a nicotine patch?

24 A. Yes.

25 Q. What was for?

1 FRANKLIN BUONO

2 A. Nicotine.

3 Q. Do you smoke?

4 A. No. I was on a vaporizer.

5 Q. What's a vaporizer?

6 A. Device you use to get nicotine.

7 Q. How does it work?

8 A. You pull on it and it's a  
9 vapor.

10 Q. How often were you vaporizing?

11 A. Every day.

12 Q. Once a day?

13 A. No. Like you'd smoke a  
14 cigarette I guess. So you take a break,  
15 you'd hit the vape.

16 Q. Did you ever vaporize with  
17 marijuana?

18 A. No.

19 Q. Did you ever smoke marijuana  
20 with Chris?

21 A. No.

22 Q. Did you ever smoke marijuana at  
23 Oprandy's?

24 A. No.

25 Q. On that morning you said that

1 FRANKLIN BUONO

2 you were moving some tanks into Brian's  
3 truck, correct?

4 A. Correct.

5 Q. And then Brian asked you to  
6 fill a compressed gas tank?

7 A. Correct.

8 Q. Were you guys outside by his  
9 truck when he asked you that?

10 A. No. We were inside.

11 Q. So you had gone back in to get  
12 more tanks to take to the truck?

13 A. No. I believe we were finished  
14 bringing tanks in at that time.

15 Q. Did he call it a compressed gas  
16 tank?

17 A. I don't remember.

18 Q. You don't remember. That was  
19 just your words?

20 A. Correct.

21 Q. Did you tell Brian that you had  
22 never done that before?

23 A. I don't think so, no.

24 Q. Were you worried at all that  
25 you had never done that before?

1 FRANKLIN BUONO

2 A. No.

3 Q. Then why did you go get Chris?

4 A. Because I didn't know how to do  
5 it.

6 Q. Where was Chris when you got  
7 him?

8 A. On the other side of the room  
9 or outside. I'm not sure.

10 Q. So that's a guess, you're not  
11 sure?

12 A. Yeah, I'm not sure.

13 Q. And you said that you were both  
14 looking at the red gauge on the tank,  
15 correct, when you were filling it?

16 A. Yes.

17 Q. And what was your understanding  
18 what you were looking?

19 A. For the gauge to move at all.

20 Q. What was your understanding of  
21 how you would know when it was full?

22 A. The gauge would be in the green  
23 area.

24 MS. MOLINEAUX: Do you have a  
25 picture of the gauge?

1 FRANKLIN BUONO

2 MS. STIGALL: It's the same.

3 It's always shown from the side like  
4 that. I have not seen any -- that is  
5 from it. But I'm not seeing a picture  
6 where it's shown straight on is what I  
7 think you're looking for.

8 Q. But you didn't know what you  
9 were pressurizing -- what number you were  
10 pressurizing the cylinder to?

11 MR. LEVY: Note my objection.  
12 This witness was not pressurizing the  
13 tank. And he's never testified that he  
14 was pressurizing the tank.

15 MS. MOLINEAUX: He testified  
16 that he was staring at the gauge waiting  
17 for it go up.

18 MR. LEVY: Chris was taking the  
19 action. He was watching. There's a  
20 difference.

21 MS. MOLINEAUX: Okay.

22 MR. LEVY: I'm just making my  
23 objection clear.

24 A. Repeat the question.

25 Q. When you were staring at the

1 FRANKLIN BUONO

2 gauge did you have an understanding of  
3 what number you were looking for the  
4 gauge to move to?

5 A. No.

6 Q. Did you see that the gauge had  
7 numbers on it?

8 A. Yes.

9 Q. Did you ever ask anyone what  
10 those numbers indicated?

11 A. No.

12 Q. But you did see the number  
13 listed on the side of the fire  
14 extinguishers on the label?

15 A. Yes.

16 Q. Did you have an understanding  
17 that those numbers correlated to the  
18 numbers on the gauge?

19 A. Yes.

20 Q. So you did have an  
21 understanding?

22 A. No. Sorry. Backing up.

23 Q. No?

24 A. No. I don't think the gauges  
25 were -- have a pressure gauge, it's just



1 FRANKLIN BUONO

2 full or empty on fire extinguishers.

3 There's no pressure I don't think. I

4 don't --

5 Q. So your recollection is a fire

6 extinguisher on the gauge moved from red

7 to green but had no numbers on them?

8 A. They weren't pressure numbers I

9 believe. It wasn't like how much

10 pressure was in there.

11 Q. What were the numbers, do you

12 remember?

13 A. No.

14 Q. Do you recall whether there

15 were numbers on the cylinder that day,

16 the day of the incident?

17 A. No.

18 Q. No, there were no numbers or

19 no, you don't remember?

20 A. I don't remember.

21 Q. So you said you're interested

22 in building computers?

23 A. Yes.

24 Q. Not programing?

25 A. I'm interested in programing.

1 FRANKLIN BUONO

2 I would like to learn how to program.

3 Q. Do you do any of that as, like,  
4 a hobby today, building or programming?

5 A. No. I built computer -- two  
6 computers. But that's just, you know,  
7 that's built.

8 Q. How did you learn how to build  
9 computers?

10 A. Myself.

11 Q. Where did you go to learn?

12 A. I would just take computer --  
13 old computers apart that I had and put  
14 them back together, YouTube.

15 Q. When did you start doing that?

16 A. When I was 19 or 20.

17 Q. What is your understanding of  
18 what type of training or schooling you'll  
19 need to get into a job building computers  
20 or programming computers? I mean, do you  
21 have a plan for what kind of training or  
22 schooling you're going to pursue?

23 A. I'm not sure yet.

24 Q. Would it be vocational training  
25 or more college courses, do you --

1 FRANKLIN BUONO

2 A. I haven't figured it out yet.

3 Q. Is that because you haven't  
4 really looked into it?

5 A. I've kind of looked into it.  
6 I'm just waiting for -- just real life to  
7 settle down.

8 Q. Okay.

9 Now, I think you testified that  
10 you had never used the Poseidon system  
11 prior to this day?

12 A. Correct.

13 Q. Had you ever seen Chris using  
14 the Poseidon system?

15 A. Yes. I saw him use it once,  
16 like, passing by.

17 Q. And did you ask him why you  
18 guys were using the Poseidon system that  
19 day?

20 A. No.

21 Q. Were you --

22 A. I was not using it, he was.

23 Q. Right. I guess why he was  
24 using the Poseidon system as opposed to  
25 the other filling system?

1 FRANKLIN BUONO

2 A. That was -- no.

3 Q. You didn't ask him that?

4 A. No.

5 Q. When you first started the job,  
6 the first day, the second day, did anyone  
7 take you around the shop and show you the  
8 different areas?

9 A. Probably. I don't remember.

10 Q. You don't remember that?

11 A. No.

12 Q. And you understood when you  
13 were filling cylinders that there was a  
14 danger in over pressurization, correct?

15 MR. LEVY: Objection.

16 A. Fire extinguishers?

17 Q. Any cylinder. When you're  
18 using compressed air you understood that  
19 there was a danger in over  
20 pressurization?

21 A. No.

22 Q. Earlier when Ms. Stigall asked  
23 that question you said yes, you  
24 understood that there was a danger in  
25 over pressurization?

1 FRANKLIN BUONO

2 A. Yes. But not to, like, the  
3 difference between a fire extinguisher  
4 and the actual compressed air. I just  
5 want that to be clear, but, yes.

6 Q. I'm sorry. I didn't  
7 understand.

8 A. The difference between an  
9 actual fire extinguisher that I worked on  
10 and the air compression is different,  
11 but, yes.

12 Q. What's the difference?

13 A. One isn't filled, like, barely  
14 with any compressed air and one is only  
15 compressed air. And I've learned all  
16 this afterwards through OSHA reports.

17 Q. So when you say one is filled  
18 with barely any compressed air, which one  
19 is filled with barely any compressed air?

20 A. The fire extinguisher.

21 MR. LEVY: That's why I was  
22 objecting earlier to two processes that  
23 were going on.

24 A. Because there's two different  
25 -- I never worked on the bigger tanks. I

1 FRANKLIN BUONO

2 only worked on fire extinguishers and dry  
3 chemicals.

4 Q. I understand that.

5 A. Okay.

6 Q. I understand that. I know that  
7 there's different tanks.

8 Do you understand the  
9 difference between a fire suppression  
10 system and a fire extinguisher?

11 A. Yes.

12 Q. I am just -- I want to know if  
13 you were working with compressed gas at  
14 this place you had an understanding that  
15 there was danger in over pressurizing?

16 A. Yes.

17 Q. Whether it be a cylinder filled  
18 with compress air or whether it be a fire  
19 extinguisher?

20 A. No.

21 Q. No. You didn't have an  
22 understanding that you could over  
23 pressurize a fire extinguisher?

24 A. No. I knew I could over  
25 pressurize a fire extinguisher, yes.

1 FRANKLIN BUONO

2 Q. What would happen if you over  
3 pressurized?

4 A. The -- it would shoot chemicals  
5 all over the place.

6 Q. And that was the only danger?

7 A. That I knew of, yes.

8 Q. If you didn't have an  
9 understanding that there was a danger in  
10 over pressurization, what were you  
11 looking for the cylinder to warn you of  
12 when you were reading the label?

13 A. I knew that I could over  
14 pressurize the fire extinguishers.

15 Q. Right. And the danger of that  
16 was just that it would shoot chemicals?

17 A. Yeah.

18 Q. So what were you looking for  
19 the warning labels to say if there was no  
20 other danger?

21 MR. LEVY: Now you're talking  
22 about on the day of the incident?

23 MS. MOLINEAUX: No. He just  
24 said that when he was filling fire  
25 extinguishers he would read the label on

1 FRANKLIN BUONO

2 the side.

3 A. Sometimes I looked -- yes, I  
4 looked at the labels, yes, yeah.

5 Q. And did you ever read any  
6 warnings on those labels?

7 A. I don't remember. If I did I  
8 don't remember what they said.

9 Q. But if the only danger of over  
10 pressurizing was shooting of chemicals,  
11 why you did you feel it was necessary to  
12 look for a warning label?

13 MR. LEVY: On which --

14 A. I just look for labels in  
15 general. It wasn't a warning label to be  
16 exact. There's just a huge label on the  
17 fire extinguisher that talks about  
18 whatever.

19 Q. What does it talk about?

20 A. I don't know. Not to mention  
21 all the fire extinguishers are different  
22 so I couldn't tell you from one to the  
23 other what the exact one said. I  
24 couldn't even remember a half a line.

25 Q. I'm not asking for the cylinder



1 FRANKLIN BUONO

2 on the day of.

3 A. I know, you're talking fire  
4 extinguishers in general.

5 Q. Yes.

6 A. Yeah.

7 Q. What do you remember they  
8 warned you about?

9 A. I don't remember anything on  
10 the labels.

11 MS. MOLINEAUX: I'll look  
12 through my notes. If you have some -- do  
13 you have some questions?

14 BY MS. STIGALL:

15 Q. I am looking at -- I was  
16 looking over your medical records and a  
17 note that in June 13, 2016, you had a  
18 urine drug screen that showed a cocaine  
19 metabolite which indicates the use of --  
20 basically indicates the use of cocaine.

21 A. Yes. And I talked to that  
22 doctor and he said that my weed was  
23 probably laced.

24 MR. LEVY: His weed was --

25 THE WITNESS: Probably laced.

1 FRANKLIN BUONO

2 MR. LEVY: Probably laced.

3 Q. And you understand that you  
4 also tested positive for morphine but  
5 were not being prescribed morphine at  
6 that time, did you understand?

7 A. No. The doctor said that  
8 that's normal for that to show up.

9 Q. It's normal?

10 A. Not morphine. It wasn't  
11 morphine. It was -- whatever painkiller  
12 I was being prescribed.

13 Q. So you tested positive for  
14 codeine and morphine but you're telling  
15 me that that was normal?

16 A. No. Codeine?

17 Q. I'm just reading from the  
18 report.

19 Did you ever get any kind of  
20 explanation about why you tested positive  
21 for morphine?

22 A. No.

23 MR. LEVY: This is in 2013  
24 you're saying?

25 MS. STIGALL: No. This is in

1 FRANKLIN BUONO

2 2016, June of 2016.

3 A. No.

4 Q. But you did get an explanation  
5 about testing positive for cocaine?

6 A. Correct.

7 Q. And that was that somebody had  
8 slipped --

9 A. It's possible that they laced  
10 my weed, yeah. Because I wasn't taking  
11 any cocaine.

12 Q. In June of 2016 how often were  
13 you smoking pot?

14 A. I don't remember. I don't  
15 remember. Probably a good amount. I  
16 don't know.

17 Q. Let me just look through a few  
18 of my notes. I had something else in my  
19 head a minute ago. We're almost finished  
20 here.

21 How much -- you said the fire  
22 extinguishers didn't hold as much  
23 compressed air?

24 A. Correct.

25 Q. What was the PSI range of the

1 FRANKLIN BUONO

2 fire extinguishers?

3 A. I cannot tell you. I do not  
4 remember.

5 Q. But you know that it -- how do  
6 you know that it was less than what was  
7 in this cylinder?

8 A. Because --

9 MR. LEVY: Note my objection to  
10 the form.

11 Q. Well, I'm just trying to --  
12 you're saying that it had less compressed  
13 air but somehow you're saying that this  
14 cylinder had a higher level?

15 A. It's just by looking at it.  
16 The cylinder that we used was a cylinder  
17 three times as big as any fire  
18 extinguishers we had on top of -- I  
19 wasn't filling the tank -- on top of the  
20 -- yeah.

21 Q. So since it was --

22 A. Fire extinguishers are  
23 half-filled with chemicals, more than  
24 half.

25 Q. So it's your understanding if

1 FRANKLIN BUONO

2 they're half-filled with chemicals then  
3 the pressure is lower?

4 A. Correct.

5 Q. And you were thinking that  
6 because this was a bigger tank it had a  
7 higher pressure to it?

8 A. Correct.

9 Q. Sitting here today could you  
10 tell me what that pressure was?

11 A. No idea.

12 Q. On the day when this incident  
13 occurred, when you were there and in the  
14 room with the cylinder, did you know what  
15 level of pressure that cylinder could  
16 hold?

17 A. That one, no.

18 Q. Did you, on the day of the  
19 incident, know what pressure the Poseidon  
20 air system could deliver, how much  
21 pressure it could push out?

22 A. No.

23 Q. Did you know what the flow rate  
24 was of the air going into the cylinder  
25 that day?

1 FRANKLIN BUONO

2 A. No.

3 Q. Did you ask anybody?

4 A. I found out from the OSHA  
5 report I believe.

6 Q. What the pressure was?

7 A. Yeah.

8 Q. Do you understand from the OSHA  
9 report that OSHA determined there was  
10 nothing wrong with the tank?

11 MR. LEVY: I'm going to object.

12 Q. Did you see that in the OSHA  
13 report?

14 A. No.

15 Q. Do you understand that OSHA  
16 concluded that the tank was over  
17 pressurized to the extent that it  
18 ruptured?

19 A. Yes.

20 Q. Thank you.

21 MS. MOLINEAUX: Just give me a  
22 second. Why don't we take five minutes.

23 THE VIDEOGRAPHER: The time is  
24 1:59 and we are going off the record.

25 [Discussion held off the

1 FRANKLIN BUONO

2 record.]

3 THE VIDEOGRAPHER: The time is  
4 2:01 and we are back on the record.

5 BY MS. STIGALL:

6 Q. You're the plaintiff in the  
7 present action, correct, the person  
8 bringing the action?

9 A. Correct.

10 Q. And I note to you that in  
11 Paragraph 49 of the complaint it states  
12 that on or about the 12th day of February  
13 2016 while the plaintiff was operating  
14 the Poseidon air cascade system,  
15 attempting to fill a fire extinguisher  
16 cylinder tank, the tank exploded, thereby  
17 causing the plaintiff to sustain severe  
18 and serious injuries.

19 That paragraph said you were  
20 operating the air cascade system and  
21 attempting to fill the tank, is it your  
22 testimony today that you weren't doing  
23 that?

24 A. No. I was not doing that. I  
25 was not filling the tank at all. Never

1 FRANKLIN BUONO

2 put hands on the tank.

3 Q. Well, I thought -- so you  
4 didn't carry the tank in you don't think?

5 A. Yes, I carry -- we moved the  
6 tank, roll the tank into -- we don't  
7 carry it. You roll it in there and then  
8 that's the most I had of it.

9 Q. So it's your testimony here  
10 today that you were not operating the air  
11 cascade system?

12 A. Correct.

13 Q. And it's your testimony here  
14 today that you were not attempting to  
15 fill a fire extinguisher cylinder tank?

16 A. Correct.

17 MS. STIGALL: Thank you. I  
18 don't have anything else.

19 BY MS. MOLINEAUX:

20 Q. Is it your claim that because  
21 the tank ruptured it was defective?

22 A. I don't know.

23 Q. Well, you're bringing the  
24 action.

25 A. Yes.



1 FRANKLIN BUONO

2 Q. So I'm trying to get your  
3 understanding of why you brought an  
4 action against my client.

5 MR. LEVY: Well, note my  
6 objection. It's a illegal basis for the  
7 lawsuit. It's something for his attorney  
8 not for him.

9 A. Repeat your question.

10 MR. LEVY: You can answer the  
11 question if you know.

12 Q. Is it your position that  
13 because the tank ruptured it must have  
14 been defective?

15 A. I don't know.

16 Q. Well, it's a yes-or-no  
17 question.

18 MR. LEVY: Well, he's answered  
19 it.

20 Q. Do you understand that you're  
21 the person in this case making  
22 allegations, correct?

23 A. Correct.

24 Q. You have submitted to the court  
25 what's called a complaint?

1 FRANKLIN BUONO

2 A. Correct.

3 Q. And in that complaint you have  
4 made certain claims; is that correct?

5 A. Correct.

6 Q. One of those claims is that my  
7 client's tank was defective, do you  
8 understand that?

9 A. Yes.

10 Q. And is it your position that  
11 the fact that it ruptured shows that it's  
12 defective?

13 MR. LEVY: Asked and answered.

14 A. I don't know.

15 MS. MOLINEAUX: Sandy?

16 MS. STIGALL: No.

17 MS. MOLINEAUX: Okay.

18 MR. LEVY: Thank you. I have  
19 no questions.

20 THE VIDEOGRAPHER: We are off  
21 the record at 2:05 p.m. and this  
22 concludes today's testimony given by  
23 Franklin Buono.

24 The total number of Media Units  
25 used is two and it will be retained by

1 FRANKLIN BUONO  
2 Veritext Midwest.  
3 (Time noted: 2:05 p.m.)  
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CERTIFICATION

I, Karen Morales, a Notary Public for  
and within the State of New York, do  
hereby certify:

That the witness whose testimony as  
herein set forth, was duly sworn by me;  
and that the within transcript is a true  
record of the testimony given by said  
witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 1st day of May, 2018.

<%Signature%>  
KAREN MORALES

\* \* \*

(888) 391-3376

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